



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 20/40422

Dear [REDACTED]

**Freedom of information request: 20/40422**

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 2 July 2020, in which you sought access to information relating to record of Minister Gentleman's Ministerial Diary and subsequent meeting with ALDI of 22 November 2018.

Your application is specifically seeking:

*Records of meeting logged in the Ministerial Diary of Mick Gentleman for 22/11/2018 – ALDI – Managing Director – Representing Chief Minister*

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

On 17 June 2020 in accordance with *section 41(1)* of the *FOI Act 2016*, an extension of 10 days was sought from you of which you did not provide any response. Therefore, in accordance with the Act the due date of your request was extended. EPSDD is required to provide a decision on your access application in accordance with Section 41 of the Act, by 4 August 2020.

**Searches conducted**

Comprehensive searches were conducted by the Office of the Director-General and Government Services, within the Directorate for documents relevant to your application.

**Decision on Access**

Searches were completed for relevant documents and four documents were located that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule relating to the relevant documents. The schedule provides a description of the documents that fall within the scope of your request and the access decisions relating to these documents.

I have decided to grant access in full, to two of the documents.

I have decided to grant partial access to two documents relevant to your request as I consider information contained within the documents 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 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 decision is detailed further in the following statement of reasons and the documents released to you is 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, 41, 50, Schedule 2;
- the content of the document that falls within the scope of your request;
- the *Information Privacy Act 2014*

### **Public Interest Considerations**

My reasons for deciding not to grant access to components of document are explained below; the document contains information that I consider to be contrary to the public interest to disclose.

### **Information Disclosure – Contrary to the Public Interest under schedule 2 of the Act**

In assessing the public interest, I must apply the descending test as outlined under section 17 of the Act which requires consideration of all the factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered collectively.

#### *Factors favouring Disclosure*

Disclosure of the identified information could reasonably be expected to do the following:

- Schedule 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability;
- Schedule 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(iii) – reveal the reason for a government decision and any background or contextual information that informed the decision;

#### *Factors favouring Nondisclosure*

In applying the public interest test, I have determined that the disclosure of the information could reasonably be expected to do the following:

- Schedule 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*

#### *Personal Information*

I have considered the release of personal information and my view in this instance is that the identification of third parties 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 this 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, section 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 of members of the public may constitute a breach of privacy and is therefore contrary to the public interest.

### **Online publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your access application, my decision and documents released to you in response to your access application will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal details will not be published.

You may view the EPSDD's disclosure log at:

<http://www.environment.act.gov.au/about/access-government-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request 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:

[https://www.ombudsman.act.gov.au/data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto: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/>

### **Further information**

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 [EPSDDFOI@act.gov.au](mailto:EPSDDFOI@act.gov.au)

Yours sincerely

Electronically signed

Lesley Cameron

Information Officer

Environment, Planning and Sustainable Development Directorate

3 August 2020