

Dear [REDACTED]

Freedom of information request: 18/08244 – Decommissioning Westside Village

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 26 March 2018 in which you sought access to documents relating to the decommissioning of Westside Village.

Specifically, you are seeking:

“documents that reference Ministers or Ministerial directions and the financial aspects of the decommissioning. In particular documents that are from the Chief Minister, and the Chief Minister’s staff or office; but the scope is not necessarily restricted to that office.

Having said that, we would still like any reports, briefs, and other final documents on the decommissioning in full. An example could include, but is not limited to, reports presented to the LDA board on the decommissioning or briefs on the decommissioning. We are not seeking drafts of these documents or correspondence in relation to the drafting, but rather final versions of reports and briefing documents. These documents do not necessarily need to be scoped only to finances and Ministerial input, but may discuss broader aspects of the decommissioning.”

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

Following your agreement to extend the date for decision and third party consultation, EPSDD is required to make a decision on your access application by 3 August 2018.

Decision on access

Searches were completed for relevant documents and 51 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This 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 part or in full, to 33 documents relevant to your request. I have decided to refuse access to 18 documents as I consider them to be:

- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act; or
- already publicly available in accordance with section 43 (1) (d) of the Act.

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 Act, particularly sections 17 and 38 and Schedules 1 and 2;
- the content of the documents that fall within the scope of your request; and
- the views of third parties to whom disclosure of information may be reasonably expected to be of concern.

Exemptions claimed

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 disclosure would be contrary to the public interest.

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

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

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 favouring nondisclosure and the balance of those factors when considered cumulatively.

Personal Information

I have considered the release of personal information and it is my view that 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 2.2 (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.

Business affairs

In accordance with section 38 of the Act, I sought the views of relevant third parties on whether government information identified within the scope of your request contained contrary to the public interest information. The third parties contested release of the information as it relates to trade secrets and business affairs, a factor favouring nondisclosure in the public interest under schedule 2.2(a)(xi).

I am not satisfied that disclosure of the deleted information could reasonably be expected to further advance these matters as it is limited to specific aspects of businesses' affairs.

In balancing public interest considerations, I am satisfied that, on the information available, the disclosure of business affairs information would be an unreasonable disclosure and may constitute a breach of confidence.

Information already available

Some information identified as relevant is already available publicly through the ACT Legislative Assembly Hansard website <http://www.hansard.act.gov.au/>. I am satisfied that this government information is already available to you and I have refused this portion of the application in accordance with section 45 (1) (b) of the Act.

Online publishing – disclosure log

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

You may view the EPSDD's disclosure log at <https://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:

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

If you wish to request a review of my decision 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 62071923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Nicholas Holt

Director, Programs
City Renewal Authority

1 August 2018.

