



**ACT**  
Government

**Suburban Land**  
Agency

Phone: 6207 1923  
Reference: 22/116847

Email: [REDACTED]

Dear [REDACTED],

### **Freedom of information request: 21/116847**

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 22 August 2022, in which you sought access to information regarding SLA and ALN Construction Group and associated documents relating to the Affordability Housing Purchase Scheme.

As confirmed by you on 30 August 2022, you are specifically seeking:

*"...a copy of the Deed or Contract between SLA and ALN and, a copy of all ACT-Government and SLA Risk Plans related to the Affordable Home Purchase Scheme. Including the deed relating to Block 9 Section 27 Whitlam"*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act. As agreed by you, EPSDD is required to provide a decision on your access application, in accordance with Section 41 of the Act, on or by 11 August 2022.

### **Searches conducted**

Comprehensive searches were conducted by the EPSDD for documents relevant to your application.

### **Decision on Access**

Searches were completed for relevant documents and 10 documents were located that fall within the scope of your request.

I have included at **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 decision relating to these documents.

I have decided to grant full access to 5 documents.

I have decided to grant partial access to 5 documents relevant to your request as I consider information contained within these 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 copies of these documents with deletions applied to the information that I consider would be contrary to public interest to disclose. My access



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decision is detailed further in the following statement of reasons and the document 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, 30, 38, 50, Schedule 2;
- the content of the documents that fell within the scope of your request;
- the *Information Privacy Act 2014* and;
- the views of third parties relating to the release of information that concerns them.

### **Public Interest Considerations**

My reasons for deciding to not grant access to components of the documents are explained below; these documents contain 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**

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 accessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring non-disclosure and the balance of those factors when considered cumulatively.

#### *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)(iii) – inform community of government operations and its dealings with community members;
- Schedule 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

#### *Factors favouring Non-disclosure*

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following and meet relevant factors favouring non-disclosure:

- 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*;



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

### Personal Information

In my review of the requested material, I have given regard to the pro-disclosure bias in the Act and the benefit of open government and transparency in government processes and decision-making. I have considered whether the release of the personal information identified including signatures, mobile numbers, and emails, and if disclosure would advance the public interest and it is my view that, in this instance, the release of this information would not serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

In balancing public interest considerations, and on the information available, 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. This is a factor favouring nondisclosure under Schedule 2, Section 2.2(a)(ii) of the Act.

### **Online publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Under the Open Access Information Scheme, documents associated with access applications are published on the disclosure log no earlier than three days after a decision on access is provided to the applicant.

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)



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### **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 [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)

Yours sincerely



Nicholas Holt

Information Officer

Environment, Planning and Sustainable Development Directorate

10 October 2022