



ACT
Government

**Suburban Land
Agency**

Dear [REDACTED]

Freedom of Information 21/25479

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Suburban Land Agency (the Agency) on 19 March 2021, in which you sought access to documents relating to survey data.

Specifically, you are seeking:

1. Audit logs of the Survey (detailed below)
 - 1.1 This should include data identifying when the survey was started and completed.
2. Data collected in the survey.
3. Any relevant plans that prevent automated or fraudulent survey filling/stuffing.

"The Suburban Land Agency has partnered with Team Town Movement to run some focus groups that will assist in shaping a Place Plan for Whitlam.

The Place Plan will investigate what government agencies and future residents can do collaboratively to promote connectivity, safety, belonging and create great places in Whitlam!

Team Town Movement are hosting two community workshops to help prepare the plan. Your ideas and aspirations are valuable as a potential resident of Whitlam. We invite you to attend one of two sessions to tell us what you think.

- *Session 1 - Thursday 30 July 5.30-7.00pm*
- *Session 2 - Saturday 1 August 2.30-4.00pm*

The sessions will be held online via Zoom. Let us know you are coming along to get the link and dial in. You can RSVP here. Everyone who attends the focus group will receive a Suburban Land Agency picnic backpack.

Got a question about the focus groups? You can contact Dean from Team Town Movement on 0468 38 1745.

Can't make the focus group?

There is also a survey that you can complete. It will only take you five minutes."

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 your application was suspended for scope clarification, the Agency must make a decision on your application on or by 7 May 2021.

Searches Conducted

Comprehensive searches were conducted and one document within the scope of your application was identified.

In relation to point 3 of your application, no documents were identified by the Agency. A third-party-agency was procured by the Agency to deliver these services, as such they were responsible for reviewing the data and advising if there was suspicious activity or responses as part of their scope of work and deliverables. As the IP addresses and respondents were unique, there was no reason to suggest any survey respondents were automated or fraudulent. The survey was only sent out to Suburban Land Agency customers and database registrants and not promoted anywhere else.

Decision on Access

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

I have decided to grant partial access to the document and, in accordance with section 50 of the Act, provide you with a copy of the document with deletions applied to contrary to the public interest information.

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 6, 17, 50, and schedule 2
- the content of the document that falls within the scope of your request
- the *Information Privacy Act 2014*
- the *Human Rights Act 2004*

Public Interest Considerations

My reasons for deciding not to grant access to components of this documents are as follows:

Information Disclosure – 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 test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

Factors Favouring Disclosure

In applying the public interest test, I have determined that disclosure of the 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)(viii) – 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 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

The document relevant to your application contains personal information of individuals. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and with the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, a copy of the document has been prepared with personal information (columns E, F, G, H) deleted in accordance with section 50 and the Objects of the Act.

Charges

No charges are applicable to this application, the number of pages to be released is below the minimum threshold.

Online Publication

Under section 28 of the Act, on behalf of the Agency, Environment, Planning and Sustainable Development Directorate (EPSDD) maintains an online record of access applications called a disclosure log. Your original access application, this decision and the document released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal information will not be published.

You may view the EPSDD disclosure log at <https://www.environment.act.gov.au/about-us/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

Alternately, 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 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

Yours sincerely



Neil Bulless
Information Officer
Deputy Chief Executive Officer
Suburban Land Agency

5 May 2021