

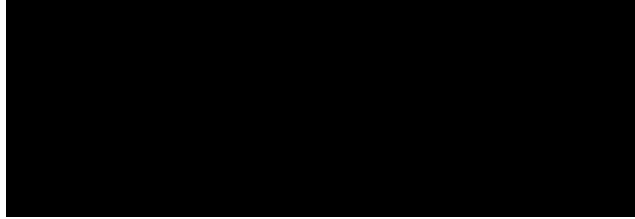


ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923

Reference: 21/60360



Freedom of Information 21/60360

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 9 July 2021.

Specifically, you are seeking:

“the objectives of the “make the move” website, as described in the funding agreement between the ACT Government and the Conservation Council ACT Region.”

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 third-party consultation was undertaken, EPSDD must make a decision on your application on or by 27 August 2021.

Searches Conducted

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

Decision on Access

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

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 FOI Act, particularly sections 6, 17, 38, 50, and schedule 2
- the content of the document that falls within the scope of your request
- the *Human Rights Act 2004*
- the views of third party consulted
- information publicly available

Third-Party Consultation

As the relevant document contained information that may be of concern to a third party, in accordance with section 38 consultation was undertaken.

The third party does not object to the release of information within scope of your application. My decision has taken into consideration their views.

Public Interest Considerations

My reasons for deciding not to grant access to certain components of the document 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, 2.1(a)(i) – promote open discussion of public affairs and enhance the government's accountability.
- Schedule 2, 2.1(a)(iv) – ensure effective oversight of expenditure of public funds.

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, 2.2(a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.
- Schedule 2, 2.2(a)(xi) – prejudice trade secrets, business affairs or research of an agency or person.

Personal Information

The document relevant to your application contains personal information of individuals (names, contact numbers and emails). 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 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 redacted in accordance with section 50 and the Objects of the Act.

Business Affairs

The document relevant to your application contains information relating to the business affairs of various businesses who have provided quotes for work to the grant recipient.

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 business affairs of an individual or agency by revealing their work rates that may have been negotiated competitively. On balance, and 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 the business information redacted in accordance with section 50 and the Objects of the Act.

Charges

Pursuant to the *Freedom of Information (Fees) Determination 2018*, processing charges are not applicable for this application as the total number of pages to be released to you is below the charging threshold of 50 pages.

Online Publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details 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

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

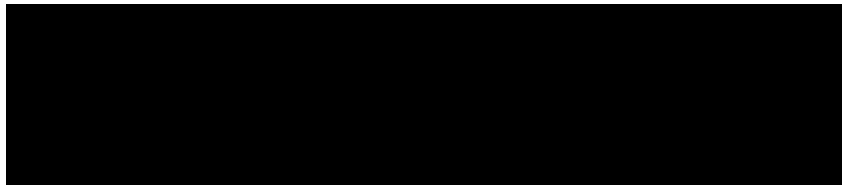
Telephone: (02) 6207 1740

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

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



~~Gene McGlynn~~
Information Officer
Executive Branch Manager, Climate Change and Energy
Environment, Planning and Sustainable Development Directorate

22 August 2021