



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference:19/30068

Dear [REDACTED]

Freedom of Information 19/30068

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 23 September 2019, in which you sought access to documents relating to a grant to the Canberra Organic Grower's Society Inc. (COGS) regarding an extension to the Betty Cornhill Community Garden at Yarralumla.

Specifically, you are seeking the following:

- Copy of the signed grant

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

EPSDD is required to decide on your access application by 12 November 2019.

Searches Conducted

Searches were completed for relevant documents, and one document has been identified as relevant to your application.

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

Decision on Access

Documents identified as relevant to your request contain information that I consider 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. I have decided to grant access to this one document, under section 50 of the Act, to the copy of document with deletions applied to information that I consider would be contrary to the public interest to disclose. This document is indicated on the schedule as for 'Partial Release'.

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 17, 50, and schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014* (Privacy Act)

- the *Human Rights Act 2004*

Public Interest Considerations

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

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

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 collectively.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the information will ensure the intent of the Act is met and will provide you with access to the majority of information held by EPSDD within the scope of your request.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factor in favour of disclosure is relevant to determine if release of the information contained within these documents is within the 'public interest'.

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

2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability;

2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest;

2.1(a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Having considered the above factors identified as relevant in this matter, I consider that release of the information within the scope of the request may contribute to open discussion of public affairs and enhance the government's accountability. The document identified as being within the scope of your request provides this information

Personal Information

I have considered that the release of information relevant to your application may promote open discussion of public affairs and enhance the government's accountability, contribute to positive and informed debate and reveal the reason for a government decision and any background or contextual information that informed the decision.

The document relevant to your application contains information that includes the signatures of third-party individuals, which I consider, if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have considered whether public benefit would be served by the release of this

information and I have decided, on balance, that it would be contrary to the public interest to disclose this information.

Online Publication

Under section 28 of the Act, the 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 earlier than three days after you receive this 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

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

Environment, Planning and Sustainable Development Directorate

11 October 2019