



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 19/20236

Dear [REDACTED]

### **Freedom of Information 19/20236**

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 24 June 2019, in which you sought access to documents in the possession of the EPSDD and the Suburban Land Agency.

Specifically, you are seeking:

*"emails related to the sale of Braddon and Turner on Northbourne from November 2018 to 24 June 2019 (both between ACT government officials and to the preferred tenderer). Exclude emails to media."*

Separate responses will be provided by the Suburban Land Agency and the City Renewal Authority.

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

With the agreed to extensions to the decision date, the EPSDD is required to make a decision by 6 September 2019.

### **Searches Undertaken**

Searches were completed for relevant documents, and six documents were identified that are within scope of your request.

Documents that were also held by the Suburban Land Agency or City Renewal Authority have been excluded to avoid duplication.

Information which is out of scope of your application has been redacted from the documents provided.

I have included as **Attachment A** to this decision the schedule of 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.

### **Decision on Access**

I have decided to grant access in full to four documents relevant to your request.

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 these two documents under section 50 of the Act, to copies of documents with deletions applied to information that I consider would be contrary to the public interest to disclose.

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

### **Public Interest Considerations**

My reasons for deciding not to grant access to the identified documents and components of 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 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 factors favouring nondisclosure and the balance of those factors when considered cumulatively.

### **Personal Information**

I have considered the release some of the personal information contained within the documents, and my view in this instance is that it 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 identified 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.

### **Charges**

No charges are applicable to these documents as, the documents to be provided are less than 50 pages.

### **Online Publication**

Under section 28 of the Act, the EPSDD, on behalf of the Suburban Land Agency 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's disclosure log, no earlier than 3 working days and no later 10 working days after this decision is provided to you. 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](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](mailto: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](mailto:EPSDFOI@act.gov.au)

Yours sincerely



Bruce Fitzgerald

Information Officer

Environment, Planning and Sustainable Development Directorate

5 September 2019