



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 19/29366

Dear [REDACTED]

Freedom of Information 19/29366

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 17 September 2019, in which you sought access to documents relating the ACT community surveys on climate change.

Specifically, you are seeking:

“the summarised survey responses from the ACT Community Surveys on Climate Change undertaken in 2013 and 2016 (referenced on page 100 of ACT Climate Change Strategy 2019-25) as well as the 2018 survey referenced [here](#).

These documents should include overall summaries of the information received from the surveys, ministerial briefs, meeting notes, and any other assessments or analysis of the issue, and stakeholder consultation.

Administrative documents may be excluded, such as an automatic reply acknowledging receipt of an email or room bookings. I am also happy to exclude duplicate documents.”

I am an Information Officer appointed 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 16 October 2019.

Searches Undertaken

Searches were completed, and 12 documents relevant to your request were identified.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document and the access decision for each of those documents.

Decision on Access

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

I have refused access to three documents under section 43(1)(d) of the Act. These documents are publicly available online. Hyperlinks to this information are available on the schedule of documents (**Attachment A**).

One document identified as relevant to your request contains 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 document,

under section 50 of the Act, to a copy of the 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 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, 43, 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 the identified documents and 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.

Personal Information

I have considered that the release of the 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.

One of the documents relevant to your application contains information that includes the, names, signatures and contact details of 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.

Charges

I have waived fees associated with your access application under section 107 of the Act.

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



Gene McGlynn

Information Officer
Environment, Planning and Sustainable Development Directorate

10 October 2019