



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/06531

Dear [REDACTED]

Freedom of information request: 18/06531 – Housing Acquisitions

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 13 April 2018, in which you sought access to Housing Acquisition documents.

Specifically, you are seeking:

“valuations and page one of the Contracts for Sale for housing acquisitions made by the ACT Government, including those made by Housing ACT and the Public Housing Renewal Taskforce since 1 July 2016.”

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

Following your agreement to an extension of time, EPSDD is required to make a decision on your access application by 21 August 2018.

Decision on access

Searches were completed for relevant documents and 276 documents were identified that fall within the scope of your request.

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

Documents identified as relevant to your request contain information that I consider to be:

- contrary to the public interest information under schedule 1; or
- 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, 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 Section 17 and Schedules 1 and 2;
- the Housing Assistance Act 2007, particularly section 28; and
- the content of the documents that fall within the scope of your request.

Exemptions claimed

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

Contrary to the public interest information under schedule 1 of the Act

The contract schedules contain information that could identify land that has been acquired for the sole purpose of transferring to the Commissioner for Housing for housing assistance purposes. Schedule 1.3 (5) states information that is protected under section 28 of the *Housing Assistance Act 2007* is contrary to public interest under schedule 1 of the Act.

Contrary to the public interest information under Schedule 2 of the Act

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 favouring nondisclosure and the balance of those factors when considered cumulatively.

Personal Information

I have considered the release of personal information and it is my view that identification of third parties 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 this 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.

In balancing public interest considerations I am satisfied that, on the information available, disclosure of the identified personal information of members of the public may constitute a breach of privacy and is therefore contrary to the public interest.

Business affairs

Consideration has been given to the contract schedules and valuation reports and whether government information identified within these documents contains contrary to the public interest information. The release of some of the information could prejudice the trade secrets and business affairs of an individual or agency, a factor favouring nondisclosure in the public interest under schedule 2.2(a)(xi).

I am not satisfied that disclosure of the deleted information could reasonably be expected to further advance these matters as it is limited to specific aspects of business affairs of an individual or agency.

In balancing public interest considerations, I am satisfied that, on the information available, the disclosure of business affairs information would be an unreasonable disclosure and may constitute a breach of confidence.

Online publishing – disclosure log

Under section 28 of the Act, 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 sooner than three days after the date of decision. Your personal contact details will not be published.

You may view the EPSDD 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

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

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/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on 62071923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Bruce Fitzgerald
Information Officer
Environment, Planning and Sustainable Development Directorate

21 August 2018

