



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 19/05040

Dear [REDACTED]

**Freedom of information request: 19/05040**

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 14 February 2019, in which you sought access to:

1. *"a record of proceedings of the meeting held on Wednesday 11 April 2018 at 9:30am between the Director of Access Recycling Pty Ltd, Capital Recycling Solutions Pty Ltd, or its representatives, with EPSDD Deputy Director-General and the Executive Director, Urban Renewal (the meeting); and*
2. *documents evidencing decisions, advice, actions arising and outcomes of the meeting."*

Due to third party consultation, the decision deadline for your application is 05 April 2019.

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

**Decision on access**

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

Two documents identified as relevant to your request contain information that I consider, on balance, be contrary to public interest to disclose under the test set out in section 17 of the Act. I have decided to grant partial access, under section 50 of the Act, to a copy of these documents with deletions applied to the information that I consider would be contrary to public interest to disclose.

My access decisions are detailed further in the following statement of reasons.

**Material considered**

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly section 17 and Schedule 2;
- the *Information Privacy Act 2014*;
- views of relevant third parties; and
- the content of the documents that fall within the scope of your request.

## **Exemptions claimed**

My reasons for deciding access to documents are set out below. In reaching my decision I have applied the public interest test under section 17 of the Act as follows:

### **Contrary to the public interest information 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 of personal information 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.

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

### **Online publishing – disclosure log**

Under section 28 of the Act, the EPSDD maintains an online record of access applications called disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the disclosure log. Your personal contact details will not be published.

You may view our disclosure log at <http://www.environment.act.gov.au/about/access-government-information/disclosure-log>.

### **Ombudsman review**

My decision on your access application 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)

Alternatively, 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/>

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



Chloe Howorth

Information Officer  
Environment, Planning and Sustainable Development Directorate

15 March 2019

