



ACT
Government

Chief Minister and Treasury

Our ref: FOI-CMTD 16/12-13

Dear

I refer to your request addressed to the Chief Minister and Treasury Directorate (CMTD) made under the *Freedom of Information Act 1989* (the Act). You are seeking access to the following documents relating to a **Special Shaped Balloon for the Centenary of Canberra**:

- Contracts, service agreements, and Deeds of Variation between the Australian Capital Territory and Global Ballooning P/L, relating to the commission and operation of [the Skywhale] including those omitted from publication on the Procurement website/confidential text; and
- Correspondence between CMTD and the Chief Minister's Office regarding the commission and operation of [Skywhale] – from 1/1/12 to 16/5/13.

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

On 19 June 2013, I released to you documents that fell under the second dot point of your request.

As indicated in my decision of 19 June 2013, and also in my letter to you of 4 June 2013, the documents that have been identified as relevant to your request under the first dot point contain information regarding the business and personal affairs of third parties. As such, under sections 27 and 27A of the Act, an opportunity was provided to third parties should they reasonably wish to contend that the documents should be treated as exempt under section 41 (personal privacy) or section 43 (business affairs) of the Act. I have considered third party submissions in making my decision to release or exempt the documents.

Charges

I have decided, under section 29 of the Act, not to impose processing charges for this request.

Identification of Documents

Officers of CMTD have conducted thorough searches of paper and electronic files and email accounts. The documents that are relevant to your request are managed by the Culture and Communications Division.

Decision on access

I have decided to provide to you, in full, all documents within the scope of the request that fell under consultation with the only redaction being the removal of the personal details of the artist.

All relevant documents identified are listed on the attached schedule with a summary of my decision in relation to each. The information I have released to you is attached and outlined on the schedule.

Exemption claimed

Documents affecting personal privacy

Section 41 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*
- (3) *Where—*
 - (a) *a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and*
 - (b) *it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;*

the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

Your right of review

Internal Review

Under section 59 (1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister and Treasury Directorate
GPO Box 158
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the Act you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

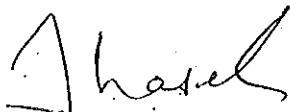
Please be aware that under the ACT Government's Online FOI Publication Policy information released to you in response to your Freedom of Information request may be released on the Internet.

A copy of the policy, with details about what information may be published on the Internet, is available online at:

http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries regarding this matter, please contact me on (02) 620 79024.

Yours sincerely



Jeremy Lasek
Executive Director
Culture and Communications

18 July 2013