



**ACT**  
Government

Economic Development



Land  
Development  
Agency

CANBERRA FIRST

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Our ref: LDA 33/14-15

Dear

### Request for documents

I refer to your letter of 3 December 2014 addressed to the Land Development Agency (LDA) in which you seek access to documents under the *Freedom of Information Act 1989* (the Act). In your request you are seeking the following:

*... a copy of documents (as defined by the Legislation Act 2001) and information held by ... in relation to the sale of Section 28, Block 13 in Rivett and other sale sites considered for use by the Muslim Association Australia ACT branch.*

### Decision Maker

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

I would also like to apologise for the time it has taken to provide you with a response to your application.

### Charges

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

### Identification of Documents

Officers from LDA have conducted searches of paper and electronic files for documents that may relate to your request and two files have been located in the Agency.

## Decision on Access

In accordance with section 21 of the Act, where it has been possible to delete exempt material from a relevant document in order to provide access to the remaining information I have done so. I have enclosed with this letter a copy of the documents I have released to you in full, and those I have partially released, along with their corresponding schedules.

I have also indicated and excluded documents and information that fall outside the scope of your request that are incorporated in the files concerned.

## Exemptions claimed

### Documents Affecting Personal Privacy

I have exempted from release personal information about a person, or persons, as I am satisfied that information mentioning the names and contact details of individuals employed by consulting companies and are not publicly available falls within the exemption set out under Section 41 of the Act.

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.*

### Documents Relating to Business Affairs

Under section 43 of the Act, I have decided to exempt from release, certain charges, quotes and rates, which could, if disclosed to the wider public, have an adverse impact on its commercial value.

Section 43 of the Act provides:

- (1) A document is an exempt document if its disclosure under this Act would disclose—
- (a) trade secrets; or
  - (b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or
  - (c) information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—
    - (i) the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.

## **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, Treasury, and Economic Development 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 Freedom of Information 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 will be released on the Internet.

Personal Information or business information will not be made available under this policy. If you think the content of your request contains such information, please inform the Freedom of Information Coordinator immediately on (02) 620 53955.

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](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) 6207 3998.

Yours sincerely

Ms Liz Lopa  
A/g Director  
Urban Renewal Branch  
Land Development Agency

17 February 2015