



ACT
Government

Chief Minister, Treasury and
Economic Development

Our Reference: FOI-AC: 17-0113

s41(1)

via email: s41(1)

Dear s41(1)

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application received by Access Canberra on 22 September 2017 in which you sought access to documents under the *Freedom of Information Act 1989* (the Act).

You have requested all emails, reports, recommendations, communication and notes in relation to the improvement notice issued by WorkSafe to the ACT Education directorate on 8 September 2017, including any that name the Australian Education Union (AEU). You have requested documents including but limited to communication, documents, reports and emails between Commissioner Greg Jones, investigator Bradley Cummins, investigator Anton Majer, Deputy Director-General Dave Pepper, Chief Operating Officer David Snowden and any staff of the ACT Education Directorate between 4 September 2017 and 22 September 2017.

I am authorised under section 22 of the Act to make a decision in relation to your requests.

Although the Act facilitates the objective of public access to documents, access to documents you have requested is subject to a number of exemption provisions as set out by the Act.

- Section 41(1) of the Act provides exemptions regarding personal privacy;
- Section 6(2) of the Act provides exemptions regarding health records.

Section 41(1) of the Act provides that information may be exempt from release if disclosure under the Act would be expected to unreasonably release personal information.

Personal information – that is *'Information or an opinion, whether true or not; and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion'* as defined by the Act.

Exemptions applied in your request include information that could identify the persons involved, personal contact details such as mobile phone numbers and e-mail address.

Section 6(2) of the Act states *'an agency is exempt from the operation of this Act in respect of documents that are health records within the meaning of the Health Records (Privacy and Access) Act 1997 (the Health Records Act)'*. The Health Records Act defines a health record as *'any record, or any part of a record (a) held by a health service provider and containing personal information; or (b) containing personal health information'*. I have therefore exempted from release information related to personal health records.

Additionally I have identified part of documents that are not in scope of your request; this information has been redacted accordingly.

I have decided that documents are to be partially released to you in accordance with the above mentioned exemption provisions. Please see the attached schedule detailing what will be released to you.

I have also assessed your request for information under the ACT Government's Online FOI Publication Policy and have determined that this decision letter and the documents relevant to your request, not including your original application will be published online. For more information on the policy, please visit http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

You have the right to seek a review under section 59 of the Act within 28 days from the date of this letter, or such other period as the Director-General permits. The right of review extends to the adequacy of the search for documents undertaken by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). Requests for review should be submitted via email to AccessCanberraGBC@act.gov.au or in writing to the following address:

The Director-General
Chief Minister, Treasury, and Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You may also discuss the processing of your request with the Ombudsman. If you wish to do so please write to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

If you have any questions regarding the processing of your request please contact the FOI Coordinator, Ms Francesca Yang on 02 6205 0873.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'A Phillips', written in a cursive style.

Amy Phillips
Decision Maker
A/g Director, Projects Governance and Support
Access Canberra

23 October 2017