



**ACT**  
Government


Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-343

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:**   
**To:** [CMTEDD FOI](#)  
**Subject:** FOI request  
**Date:** Tuesday, 30 November 2021 6:00:20 PM

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**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

I'm writing to request all documents prepared in relation to providing a media statement to *The Canberra Times* on Wednesday, November 24 regarding the public release of a spreadsheet containing workers' compensation details on the Tenders ACT website.

I'm also requesting the documents prepared in relation to Procurement ACT's correspondence with the ACT Human Rights Commission and the Office of the Australian Information Commissioner about the spreadsheet between November 24 and November 30, along with any other documents prepared by Procurement ACT in relation to the spreadsheet between December 12, 2017 and November 30, 2021.

Please do not hesitate to contact me regarding the scope of my request.

Yours sincerely,









**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-343

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

### **FREEDOM OF INFORMATION REQUEST**

I refer to your request submitted under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 30 November 2021, in which you sought access to the following:

- Documents prepared in relation to providing a media statement to The Canberra Times on Wednesday, November 24 regarding the public release of a spreadsheet containing workers' compensation details on the Tenders ACT website and
- Documents prepared in relation to Procurement ACT's correspondence with the ACT Human Rights Commission and the Office of the Australian Information Commissioner about the spreadsheet between November 24 and November 30 and
- Documents prepared by Procurement ACT in relation to the spreadsheet between December 12, 2017 and November 30, 2021.

On 14 December 2021, following a telephone conversation with this office, you agreed to withdraw point three of your request.

### **Authority**

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

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 30 December 2021 however, following third-party consultation, the revised due date is 21 January 2022.

### **Decision on access**

I have decided to refuse to deal with the first point of your request under section 43(1)(d) {information already available to the applicant} and 45(f) {information has already been given to the applicant}. Documents relating to the first point of your request consist of an email from you, dated 24 November 2021 and the response sent to you.

Searches were completed for relevant documents that relate to the second point of your request and four 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 the documents that fall within the scope of your request and the access decision for each document.

I have decided to grant access in full to three documents and partial access to one document as I consider it to be contrary to the public interest information under Schedule 1.

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.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

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

- the Act;
- the content of the documents that fall within the scope of your request;

### **Exemption claimed**

My reasons for deciding not to grant full access to the identified document are as follows:

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

Paragraphs 20, 22, 23 and part of paragraph 24 on pages 4 and 5 of the identified documents contain information that is subject to legal professional privilege and is considered to be contrary to the public interest information under section 1.2 of Schedule 1 of the Act.

These paragraphs contain information sent to the Office of the ACT Government Solicitor for the purposes of obtaining legal opinion. I consider the advice in this document is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion. This information can only be released if the parties involved agree to waive that privilege.

I am satisfied that this material attracts legal professional privilege and, unless privilege has been waived, is exempt under Schedule 1 s1.2 of the Act.

### **Charges**

Processing charges are not applicable for this request because the number of pages being released to you is less than the charging threshold of 50.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD 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 on the CMTEDD

disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. 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/>

### **Contact**

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Allan McLean  
Information Officer  
Corporate  
Chief Minister, Treasury and Economic Development Directorate

21 January 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Documents prepared in relation to providing a media statement to The Canberra Times on Wednesday, November 24 regarding the public release of a spreadsheet containing workers' compensation details on the Tenders ACT website; and	CMTEDDFOI 2021-343
Documents prepared in relation to Procurement ACT's correspondence with the ACT Human Rights Commission and the Office of the Australian Information Commissioner about the spreadsheet between November 24 and November 30; and	
Documents prepared by Procurement ACT in relation to the spreadsheet between December 12, 2017 and November 30, 2021.	

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-7	Brief	29 Nov 2021	Partial release	Schedule 1 s1.2	Yes
2	8-9	Email with letter as attachment	29 Nov 2021	Full release	N/A	Yes
3	10-11	Email with letter as attachment	29 Nov 2021	Full release	N/A	Yes
4	12-17	Email chain with letter as attachment	29 Nov 2021	Full release	N/A	Yes
Total No of Docs						
4						

**Chief Minister, Treasury and Economic Development Directorate**

<b>To:</b>	Special Minister of State	Tracking No.: CMTEDD2021/5912
<b>Date:</b>	29/11/2021	
<b>CC:</b>	N/A	
<b>From:</b>	Glenn Bain, Executive Group Manager, Procurement ACT	
<b>Subject:</b>	RFT 29736.110, Workers Compensation Claims Administration Services	
<b>Critical Date:</b>	30/11/2021	
<b>Critical Reason:</b>	To advise of the referral of the matter to privacy oversight bodies including the Office of the Australian Information Commissioner.	

- UT 30/11/2021
- A/g DUT BPI 30/11/2021

**Recommendations**

That you:

1. Note the information regarding the release of information relating to RFT 29736.110, Workers Compensation Claims Administration Services;

 **Noted / Please Discuss**

2. Note the information regarding notification to privacy oversight bodies; and

 **Noted / Please Discuss**

3. Note the measures in place or currently being implemented to address the identified risks.

 **Noted / Please Discuss**

Chris Steel MLA .....



30/11/21

Minister's Office Feedback

Cc Chief Minister, Minister Rattenbury, Minister Stephen-Smith and Minister Gentleman.

**Background**

1. With support from the Goods and Services Branch (Goods and Services), the Workplace Safety and Industrial Relations (WSIR) team in CMTEDD, conducted an open tender for a new ACT Government workers compensation administrator.
2. Goods and Services assisted WSIR to prepare the documents to inform the approach to market. The procurement proposal was presented to the Government Procurement Board (GPB) for Strategic Review (first pass) on 12 December 2017 and a subsequent Procurement Review (second pass) on 27 March 2018. The material presented to the Board provided a comprehensive description of the proposed procurement strategy including the documents originally put out to market. The spreadsheet in question was issued as an addendum rather than in the original tranche of material put to market, and was not part of the material presented to the GPB. The risk register provided to the GPB did not reflect any specific privacy matters.
3. On 24 April 2018, Procurement ACT facilitated the release of RFT 29736.110, "Workers Compensation Claims Administration Services" (RFT) on the eTendering platform TendersACT. Section 6.2.4 of the RFT specified that "Tenderers will be issued with the ACT Government Claims Data. The Claims Data is classified as Confidential Information and will only be provided to Tenderers that have signed and returned the Confidentiality Agreement".
4. On 30 April 2018, the details of an industry briefing to be held on 8 May 2018 were issued under Addendum 1 to the RFT. Potential suppliers were required to sign the deed of confidentiality before participating in the industry briefing. The deed of confidentiality covered the arrangements for any information provided to potential suppliers.
5. On 8 May 2018, workers compensation claims data (claims data) was sent directly by email to potential suppliers who had signed the deed of confidentiality. The subject matter was noted in Addendum 2 to the RFT, which included other materials released more broadly under this addendum.
6. The procedure at the time for responding to queries about tenders involved Goods and Service Procurement compiling the queries into a pro forma and providing that to the business unit to provide responses for release as Addenda. In this case, in response to tenderer queries, the expanded data set containing a further ten years of




confidential claims data was prepared by the business unit and provided to Goods and Service Procurement for release.

7. The form of distribution for this material was changed from direct email to provision through TendersACT; however, there appears to have been a breakdown in internal communications such that rather than releasing the updated claims data only to Tenderers who had signed the deed of confidentiality it was made available to all registered users of TendersACT on 21 May 2018.
8. The de-identified claims data set contained a range of data items relating to all ACT Government workers compensation claims from 1989 to 2018. This included birth year, gender and occupation of the affected party, along with details relating to the injury including the location of the injury on the body, and the relevant medical, rehabilitation and other costs.
9. The RFT closed at 2:00pm on 30 May 2018. At this time, the TendersACT platform restricted the access to the RFT documents to only ACT Government administrators.
10. On 29 February 2020, as part of a refresh to the TendersACT platform, the contracted service provider migrated the platform to the Consolidated Tenders cloud service. Consolidated Tenders is a multi-tenanted site that also serves as the eTendering platform for the Victorian and South Australian Governments (and, at the time, some Queensland local governments). The release of the new cloud solution changed the restrictions on access resulting in previously awarded tender documents again becoming accessible to TendersACT registered users.
11. The functional change in accessibility of awarded tenders was not advised to Procurement ACT. Procurement ACT was not aware of this functionality change until 24 November 2021, when it was made aware that the documents for the RFT in question were accessible.
12. On 24 November 2021, the Canberra Times approached the ACT Government seeking information regarding the availability of the compensation claims data on TendersACT.

## Issues

13. Procurement ACT has reviewed the download reports associated with the RFT. After the initial analysis, Procurement ACT has been able to obtain more specific information on user activity relating to access to the claims data.
14. Between 21 May and 30 May 2018, 19 unique registered users of TendersACT download the claims data a total of 35 times.
15. Between 6 September and 24 November 2021, eight unique registered users of TendersACT download the claims data a total of 16 times. In total there were 51 downloads by 27 users. Further detail on the unique registered users is provided at [Attachment A](#).

16. A technical fix was released on TendersACT on 24 November 2021, to restrict access to all previously closed and awarded tender documents to ACT Government administrators only.
17. Procurement ACT has submitted a Security Incident Report for consideration by the CMTEDD Security Team in addition to instigating a Security Assessment with the vendor for TendersACT.
18. Since its establishment in July 2019, Procurement ACT has enhanced the security provisions when managing open tender opportunities requiring the release of confidential material. Procurement ACT has been using the TendersACT closed secure tender box functionality to allow confidential material to be accessible only to those registered users that meet certain criteria, for example, by signing deeds of confidentiality. This approach creates a tighter security control than what was in place in 2018 for the provision of confidential information and allows for enhanced auditing of access and better download reporting.
19. As part of more recent planned enhancements to internal processes and security provisions, Procurement ACT has commenced work to digitise requests to publish tender opportunities on TendersACT, as well as additional workflow approvals through TendersACT. Security enhancements support the mandatory collection of data relating to the delegate approval and any relevant privacy assessments and considerations. Additional workflow approvals allow Procurement ACT to perform a final quality assurance on behalf of the Territory prior to the release of each tender and addenda.
20. Schedule 1 1.2  

21. Procurement ACT has contacted the ACT Human Rights Commission alerting them to the release of this data. A copy of the letter is at Attachment B. Procurement ACT has also prepared a self-referral letter to the Office of the Australian Information Commissioner seeking advice and guidance on the appropriate action to be taken. A copy of the letter is at Attachment C.

Confirmed  
as  
sent-CS

22. Schedule 1 1.2  


Schedule 1 1.2

23. Schedule 1 1.2

24. As noted in paragraph 3 above, the terms and conditions of the RFT prohibit the distribution of tender documentation including the claims data set. Procurement ACT is contacting each party that accessed the data set in 2021 requesting that the material is not copied or shared and is destroyed. Schedule 1 1.2

A copy is at Attachment D.

### **Financial Implications**

25. Funding may be required to make any technical changes to TendersACT identified through further investigation of this matter.

### **Consultation**

#### Internal

26. The CMTEDD Security Team has been consulted regarding the possible security breach.

27. WSIR has been consulted in the preparation of this brief.

#### Cross Directorate

28. The ACTGS has provided advice.

### **Work Health and Safety**

29. ACTPS officers who have lodged a workers compensation claim within the period identified in the claims data may be affected by the media scrutiny associated with this issue.

### **Benefits/Sensitivities**

30. A number of unions have consulted with their members regarding the release of the claims data that may contain information relating to their members.

### **Communications, media and engagement implications**

31. Since 24 November 2021, there has been a number of articles in the Canberra Times regarding this matter. Following the outcome of the referral to the Office of the

**OFFICIAL**

Australian Information Commissioner, and as new information comes to light, communication material will be prepared for your consideration.

Signatory Name: Glenn Bain Phone: x76569

Action Officer: Sanaz Mirzabegian Phone: x53777

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Unique users who downloaded the claims data set in 2021
Attachment B	Letter to the ACT Human Rights Commission
Attachment C	Letter to the Office of the Australian Information Commissioner
Attachment D	Draft e-mail to parties that downloaded the claims data in 2021

**Attachment A - Unique users who downloaded the claims data set**

	Unique Users			Downloads		
	External	ACT Gov	Total	External	ACT Gov	Total
Post Tender Close <i>(6 September 2021 to 24 November 2021)</i>	6	2	8	13	3	16
Pre Tender Close <i>(21 May 2018 to 30 May 2018)</i>	18	1	19	34	1	35
Total	24	3	27	47	4	51

**From:** "Bain, Glenn"  
**Sent:** 29/11/2021 2:49 AM  
**To:** "Watchirs, Helen" <Helen.Watchirs@act.gov.au>  
**Cc:** "Budavari, Rosemary" <Rosemary.Budavari@act.gov.au>  
**Subject:** Letter from Glenn Bain, Executive Group Manager, Procurement ACT  
**Attachments:** Letter to Dr Watchirs.pdf

**OFFICIAL: Sensitive**

Good afternoon,

Please find attached a letter from Glenn Bain, Executive Group Manager, Procurement ACT.

Note, the original letter has been sent to you in the mail.

Kind Regards

Ocean Wilson | Executive Assistant to Mr Glenn Bain, Executive Group Manager, Procurement ACT  
Phone: 02 6207 2934 | Email: [ocean.wilson@act.gov.au](mailto:ocean.wilson@act.gov.au)  
Procurement ACT | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
GPO Box 158, Canberra City | [act.gov.au](http://act.gov.au)  
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**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Dr Helen Watchirs  
ACT Human Rights Commission  
Level 1, 5 Constitution Avenue  
Canberra City ACT 2601

Dear Dr Watchirs

### **ACT Public Sector workers' compensation data available on website**

You may have seen an article published in The Canberra Times on 25 November 2021 reporting that a document containing data on ACT public servant workers' compensation claims had been accessible on the ACT Government tender website.

The ACT Government became aware of this issue on 24 November 2021 and action was taken on the same day to remove the document from the ACT Government tender website. I can confirm that the information is no longer available to download.

A review to determine whether private or personal medical data has been inappropriately disclosed, and by extension, whether a privacy breach has occurred, will now take place. We will act on any recommendations from the review.

If you have any questions in relation to this matter, please contact me directly at [glenn.bain@act.gov.au](mailto:glenn.bain@act.gov.au).

We will provide you with the findings and any recommendations on the conclusion of the review.

Yours sincerely

Glenn Bain  
Executive Group Manager.  
Procurement ACT

26 November 2021

**From:** "Bain, Glenn"  
**Sent:** 29/11/2021 2:51 AM  
**To:** "'enquiries@oaic.gov.au'" <enquiries@oaic.gov.au>  
**Subject:** Letter from Glenn Bain, Executive Group Manager, Procurement ACT  
**Attachments:** Letter to Ms Falk.pdf

**OFFICIAL: Sensitive**

Good afternoon,

Please find attached a letter addressed to Ms Angelene Falk from Glenn Bain, Executive Group Manager, Procurement ACT.

Note, the original letter has been sent in the mail.

Kind Regards

Ocean Wilson | Executive Assistant to Mr Glenn Bain, Executive Group Manager, Procurement ACT  
Phone: 02 6207 2934 | Email: [ocean.wilson@act.gov.au](mailto:ocean.wilson@act.gov.au)  
Procurement ACT | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
GPO Box 158, Canberra City | [act.gov.au](http://act.gov.au)  
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**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Ms Angelene Falk  
Australian Information Commissioner and Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001

Dear Ms Falk

### **ACT Public Sector workers' compensation data available on website**

You may have seen an article published in The Canberra Times on 25 November 2021 reporting that a document containing data on ACT public servant workers' compensation claims had been accessible on the ACT Government tender website.

The ACT Government became aware of this issue on 24 November 2021 and action was taken on the same day to remove the document from the ACT Government tender website. I can confirm that the information is no longer available to download.

A review to determine whether private or personal medical data has been inappropriately disclosed, and by extension, whether a privacy breach has occurred, will now take place. We will act on any recommendations from the review.

If you have any questions in relation to this matter, please contact me directly at [glenn.bain@act.gov.au](mailto:glenn.bain@act.gov.au).

We will provide you with the findings and any recommendations on the conclusion of the review.

Yours sincerely

Glenn Bain

Executive Group Manager  
Procurement ACT

26 November 2021

**From:** "Bain, Glenn"  
**Sent:** 29/11/2021 11:34 PM  
**To:** "Clare Gregory" <clare.gregory@oaic.gov.au>  
**Cc:** "Wilson, Ocean" <Ocean.Wilson@act.gov.au>  
**Subject:** RE: letter to the Australian Information Commissioner [SEC=OFFICIAL:Sensitive]  
**Attachments:** New letter to Ms Falk.pdf

OFFICIAL: Sensitive

Dear Clare

Please find attached a copy of a letter I have sent in the mail today. As per my email of yesterday, I would appreciate you disregarding the previous letter as it is superseded by the attached version.

Regards  
Glenn

Glenn Bain | Executive Group Manager  
**Procurement ACT | ACT Government**  
Phone **02 6207 6569** | Mobile **0403 502496**

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**From:** Clare Gregory <clare.gregory@oaic.gov.au>  
**Sent:** Monday, 29 November 2021 3:14 PM  
**To:** Bain, Glenn <Glenn.Bain@act.gov.au>  
**Subject:** RE: letter to the Australian Information Commissioner [SEC=OFFICIAL:Sensitive]

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Glenn

Thank you for this email. We will await further information from Procurement ACT in this matter.

Kind regards



**Clare Gregory** | Director  
Dispute Resolution Branch  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](https://www.oaic.gov.au)  
+61 2 8231 4271 | [clare.gregory@oaic.gov.au](mailto:clare.gregory@oaic.gov.au)



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**From:** Bain, Glenn <[Glenn.Bain@act.gov.au](mailto:Glenn.Bain@act.gov.au)>  
**Sent:** Monday, 29 November 2021 3:03 PM  
**To:** Clare Gregory <[clare.gregory@oaic.gov.au](mailto:clare.gregory@oaic.gov.au)>  
**Subject:** letter to the Australian Information Commissioner

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Gregory

Thank you for your acknowledgment of receipt of the letter from me. We have decided to look further into the options available to us and are considering making a formal referral rather than just the advice that was contained in that letter. With that in mind, I would ask you to hold off on any action relating to my letter, pending it being superseded by another letter formally referring the matter to you for consideration.

Regards

Glenn

Glenn Bain | Executive Group Manager

**Procurement ACT | ACT Government**

Phone **02 6207 6569** | Mobile **0403 502496**

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**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Ms Angelene Falk  
Australian Information Commissioner and Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001

Dear Ms Falk

### **Access to ACT Public Sector workers compensation data**

A document containing data on 28,926 ACT public servant workers compensation claims had been accessible to registered users on the ACT Government's eTendering platform TendersACT website.

The data had initially been released to registered users on the ACT Government's eTendering platform TendersACT to support an open tender process to identify a new workers compensation claims administration service which occurred in 2018.

The ACT Government first became aware of the availability of access to this data on 24 November 2021. Action was taken on the same day to remove the document from TendersACT. I can confirm that the data is no longer available to download.

Given the number of individuals that may be affected and the type of information involved, I would like to refer the matter to you and would be grateful for your advice and assistance to determine an appropriate course of action. A brief timeline of events relating to this matter is provided for your information at [Attachment A](#).

If you have any questions in relation to this matter, or would like to arrange access to the information included in the data set, please contact me directly at [glenn.bain@act.gov.au](mailto:glenn.bain@act.gov.au).

Yours sincerely

Glenn Bain

Executive Group Manager  
Procurement ACT

30 November 2021



## Attachment A – Timeline of Events

Date	Event
12 December 2017	Procurement proposal on an open tender for a new ACT Government workers compensation administrator presented by the Workplace Safety and Industrial Relations (WSIR) team in the Chief Minister, Treasury and Economic Development Directorate to the Government Procurement Board (GPB) for Strategic Review.
27 March 2018	Procurement proposal presented by WSIR to the GPB for Procurement Review. GPB did not review any addendums to the RFT as they had not been contemplated at the time.
24 April 2018	Goods and Service Procurement facilitates the release of RFT 29736.110, "Workers Compensation Claims Administration Services" (RFT) on the ACT Government's eTendering platform TendersACT.  Note: Section 6.2.4 of the RFT specifies that "Tenderers will be issued with the ACT Government Claims Data. The Claims Data is classified as Confidential Information and will only be provided to Tenderers that have signed and returned the Confidentiality Agreement".
30 April 2018	Details of an industry briefing to be held on 8 May 2018 issued under Addendum 1 to the RFT.  Note: Potential suppliers were required to sign the deed of confidentiality before participating in the industry briefing. The deed of confidentiality covered the arrangements for any information provided to potential suppliers.
8 May 2018	Workers compensation claims data (claims data) was sent directly by email to potential suppliers who had signed the deed of confidentiality. The data set included certain deidentified information relating to ACT Government workers compensation claims, including birth year, gender and occupation of the affected party, along with details relating to the injury including the location of the injury on the body, and the relevant medical, rehabilitation and other costs.
21 May 2018	In response to a call from potential suppliers for a longer period of claims data on which to base their tender response, the same data fields were used to produce a data set that included the same information for all workers compensation claims since self-Government in 1989. This new data set was released on TendersACT.  Due to what appears to be an internal breakdown in communications within the procurement team, the claims data was made available to all registered users of TendersACT, rather than being restricted to those who had signed the deed of confidentiality.
8 to 30 May 2018	19 unique users of TendersACT download the claims data a total of 35 times.
30 May 2018	RFT Closed. TendersACT platform restricts the access to the RFT documents to only ACT Government administrators.
29 February 2020	TendersACT platform upgrade. Tender documents on awarded tenders become available for download by any registered users. ACT Government not advised of changed functionality by the contracted service provider for TendersACT.

Date	Event
6 September to 24 November 2021	8 unique users of Tenders ACT download the claims data a total of 16 times.
24 November 2021	The Canberra Times approaches the ACT Government seeking information regarding the release of the compensation claims data set. Contracted service provider confirms that access was available since 29 February 2020. Contracted service provider removes RFT on Procurement ACT direction.
26 November 2021	Procurement ACT contacts the ACT Human Rights Commission and the Office of the Australian Information Commissioner alerting them to the release of the claims data.
30 November 2021	Correspondence sent to unique users of TendersACT to request that they not copy the RFT Material and destroy all RFT Material in all formats in which it may have been retained.
30 November 2021	Procurement ACT contacts the Office of the Australian Information Commissioner referring the data release for their consideration and seeking advice and guidance on the matter.

Dear Registered TendersACT User

RFT 29736.110 – Workers' Compensation Claims Administration Services

The Territory's records indicate that [you /name of organisation] may have accessed or downloaded tender documents in relation to the above tender (RFT Material).

The RFT Material was not intended to remain accessible on the Tenders ACT website during the time you may have downloaded it and has since been removed from that website. Please note this matter is being referred to the Office of the Australian Information Commissioner.

The Territory requests that [you/name of organisation] not copy the RFT Material and destroy all RFT Material in all formats in which it may have been retained.

Under the TendersACT terms of use, the distribution or re-transmission of RFT Material to any third party without the prior written permission of the Territory is strictly prohibited. Please let us know if you are aware of any such distribution or re-transmission.

Queries in relation to this letter may be directed to myself via [TendersACT@act.gov.au](mailto:TendersACT@act.gov.au).

I thank you for your assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'GB', followed by a horizontal line and a period.

Glenn Bain,  
Executive Group Manager,  
Procurement ACT