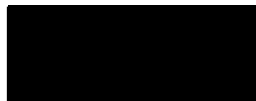




ACT

Government

Economic Development



I refer to your request submitted under section 14 of the ACT *Freedom of Information Act* 1989 (the Act), received by the Economic Development Directorate (EDD) on 24 July 2013, in which you seek access to documents relating to proposed works to the 'Northbourne Avenue and City Hill Precinct' as described in the *Design information brief - Northbourne Avenue and City Hill Precinct* dated 2 February 2011.

Decision

As the officer authorised under section 22 of the Act to make a decision in relation to your request, I would like to advise that the Directorate has identified a number of documents relevant to your request as outlined in the schedule attached to this letter. I have however decided not to release some of the information for the following reasons:

1. Documents relate to the business affairs of a third party;
2. The information within the document is out of scope of the request; or
3. The information relates to the personal affairs of a third party.

The specific documents and provisions are discussed in further detail below:

Section 43 Documents relating to business affairs etc

(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; or
 - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.

Multiple documents relate to the financial and commercial affairs of a third party. The documents include a tender submission which, as you have been previously advised, is considered 'commercial in confidence'. It would be unreasonable to release such documents.

Section 41 Documents affecting personal privacy

(1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

I have not exempted any entire documents under this provision, however some material has been redacted due to the information relating to the personal affairs of a third party. The redacted information includes mobile phone numbers and signatures.

Out of Scope

One part of an email trail (document 77) has been redacted because the information was out of the scope of the request. Documents 68-70 are considered to be out of scope as the correspondence was created after the submission of your request. This information is therefore not captured under this FOI request.

Review rights

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

The Director-General
Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Ombudsman

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may contact the Ombudsman, who may conduct an independent investigation into any complaint you may have. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online Freedom of Information (FOI) Policy

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application 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

If you have any queries in relation to this matter, please contact the Economic Development Directorate Freedom of Information Coordinator, Matthew Neilsen on 6207 5833 or at EDDfreedomofinformation@act.gov.au

Yours sincerely



Hamish McNulty
Executive Director
Infrastructure and Capital Works

21 August 2013