



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 2019-252

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	Yes/No
5. Fees	N/A
6. Processing time (in working days)	14
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: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Subject: FW: Freedom of Information Incident
Date: Friday, 8 November 2019 2:01:02 PM

UNCLASSIFIED For-Official-Use-Only

Good afternoon,

The below request for a Building File has come through to EPSDD.
Please accept transfer of this request.

Kind regards
Denise

Denise Easton

Denise Easton | Freedom of information, Records and Administration Support Officer
Information and Knowledge Management | Environment, Planning and Sustainable Development Directorate |
ACT Government
Phone: 02 620 55298 | Fax: 02 620 79313 | Email: denise.easton@act.gov.au
Level 2 South, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au |
www.planning.act.gov.au

This email, and any attachments, may contain confidential information .If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Access Canberra Customer Services <accesscanberra@act.gov.au>
Sent: Friday, 8 November 2019 1:19 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: Freedom of Information Incident

ACT Government logo



Incident Reference # 191108-001227

Subject: Building file access for [REDACTED]
Date Created: 08/11/2019 01.18 PM

Auto-Response By (Administrator) (08/11/2019 01.18 PM)

Thank you for submitting a Freedom of Information Application to the Environment and Planning Directorate (EPD).

Your reference number is: #191108-001227

Your application has been automatically forwarded to the Records & Information Management Team for action.

Customer By [REDACTED] (08/11/2019 01:18 PM)

I am the owner and occupier of [REDACTED] of the above complex also known as [REDACTED].

Please can i have access to the whole building file asap.

Additional Incident Details (if available)

Status: In Progress

Category: EPD FOI

Type of Correspondence: Request for Information

Block Number: [REDACTED]

Section Number: [REDACTED]

Suburb: [REDACTED]

Contact Information

First Name: [REDACTED]

Last Name: [REDACTED]

Email Address: [REDACTED]

Phone Number:

Address:

[REDACTED]

If this is not for you/your area please forward this email to accessCBR@act.gov.au to advise that it is not the correct area. The correspondence can then be re-directed appropriately.



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-252

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 8 November 2019, in which you sought access to:

- *Building file relating to* [REDACTED]

Authority

I am an Information Officer appointed by the Director-General of CMTEDD 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 is required to provide a decision on your access application by 6 December 2019.

Decision on access

Searches were completed for relevant documents and 60 documents were identified that fall within the scope of your request.

I have decided to refuse access to all identified documents under s13 of the *Freedom of Information Act 2016* as the records are covered under the *Territory Records Act 2002*.

Release of documents under *Territory Records Act 2002*

All of the documents identified as within the scope of your request are over 20 years old and therefore are subject to the access provisions under section 26 of the *Territory Records Act 2002*. Section 26 states that:

- (1) *A record of an agency is open to public access under this Act on the next Canberra Day after the end of 20 years after the record, or the original of which it is a copy, came into existence.*
- (2) *A person is entitled to access under this Act to a record of an agency that is open to public access.*

I have considered the documents in the *Building file relating to* [REDACTED] and I have decided that these records are able to be released to you in full.

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 and my decision in response to your access application will be published in the CMTEDD disclosure log after 3 December 2019. Your personal contact details and the documents provided to you under the *Territory Records Act 2002* will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

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.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: 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/>

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

Yours sincerely,



Phil Dachs

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

28 November 2019