



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 2020-079

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)	7
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:
Subject:
Date:

UNCLASSIFIED

From: [REDACTED]
Sent: Wednesday, 15 April 2020 1:14 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: RE: CMTEDDFOI2020-070 - RE: Freedom of Information request - Provided outside the FOI process

Hi Kel,

Thanks for the information.

I have the following three further requests:

1. What were the disciplinary actions (if any) taken against the four employees who were not dismissed?
2. Since 01 January 2010, how many employees were dismissed due to unauthorised access to information held by the Directorate WITHOUT a formal investigation?
3. A summary of each of the six investigations.

Please advise whether I need to request another FOI.

Kind regards

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-079



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 15 April 2020 in which you are seeking access to information regarding disciplinary actions taken against staff since 2010.

Your request specifically states:

1. *“What were the disciplinary actions (if any) taken against the four employees who were not dismissed?”*
2. *“Since 01 January 2010, how many employees were dismissed due to unauthorised access to information held by the Directorate WITHOUT a formal investigation?”*
3. *“A summary of each of the six investigations.”*

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 is required to provide a decision on your access application by 14 May 2020.

Decision on access

Searches were completed for relevant documents and one document has been identified that falls within the scope of your request.

I have decided to grant full access to this document. A copy of the document is provided as **Attachment A** to this letter.

Charges

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

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 the documents released to you in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view the 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.

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

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 02 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

24 April 2020

Requested Information

1. What were the disciplinary actions (if any) taken against the four employees who were not dismissed?
2. Since 01 January 2010, how many employees were dismissed due to unauthorised access to information held by the Directorate WITHOUT a formal investigation?
3. A summary of each of the six investigations.

Response

In response to Question 2:

All matters were managed in accordance with *Section H – Workplace Values and Behaviours* of the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*.

In response to Questions 1 and 3:

Summary	Sanction
Unauthorised access of own information on Government database.	Formal Warning
Unauthorised access of information on Government database for a third party.	Reduction in Increment
Unauthorised access of information on a Government database for a third party.	Termination of Employment
Unauthorised and non-work-related access of information on a Government database.	Reduction in Increment
Unauthorised access of information on a Government database regarding a member of the public.	Termination of Employment
Unauthorised access of information regarding known public events.	Formal Counselling and Training