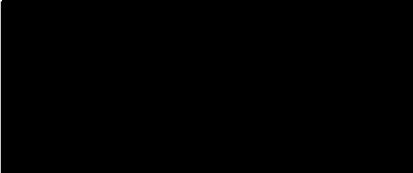




Our Ref: CMA-FOI:15-009



Dear 

**Re: Freedom of Information request**

I write in regard to your letter of 23 February 2015 requesting access to Capital Metro Agency (CMA) documents under the *Freedom of Information Act 1989* (the Act). In your letter you sought access to:

*“all communications held by the Agency sent to, and received from, ACT Community Councils”.*

**Decision maker**

I am authorised under section 22 of the Act and have been appointed to make a decision in relation to your request.

**Charges**

I have decided not to process fees or charges in relation to your request.

**Decision on access**

The scope of your request was identified to be all communication material between the CMA and ACT Community Councils outside of open consultation activities.

The CMA has identified 60 documents as a result of your request, 13 of which were later determined as either not relevant to your request, already publicly available or duplicates to other documents.

Of the 47 remaining documents, I have decided to:

- fully release two documents;
- partially release 44 documents;
- undertake third party consultation on one document.

Details on the use of exemptions and the need to undertake consultation is described below.



## **Exemptions claimed**

### Personal Information

- Section 41(1) of the Act states that a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- Exemptions have been applied to removal all personal identifiers (names, contact details, etc) of members of the public.

### Third Party Consultation

The CMA has identified one document relevant to your request containing information that belongs to a third party and could be considered as exempt under section 43(1)(c) of the Act. To ensure the third party is afforded the ability to comment on whether the document should, or should not, be released I have decided to undertake third party consultation in accordance with section 27 of the Act.

- Section 27 of the Act allows for third parties to make a submission in regards to the release of information under section 43(1) of the Act.
- Section 43(1) of the Act details that information may be exempt from release if its disclosure under the Act would unreasonably affect business affairs.

In accordance with consultation provisions of the Act, the due date for a decision to be made on this document has been extended by 30 days to **24 April 2015** to allow for third party submissions to be made and considered.

## **Right of review**

### Internal review

Under section 59(1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period if permitted by the Director-General of the CMA.

Your request should be addressed to:

Director-General  
Capital Metro Agency  
GPO Box 158  
CANBERRA ACT 2601

### Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

**Online FOI policy**

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you in response to your Freedom of Information request will be released online.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the Capital Metro Agency FOI Coordinator immediately on (02) 6207 5424.

A copy of the policy, with details about what information may be published online, is available on the Chief Minister, Treasury and Economic Development Directorate ([www.cmtd.act.gov.au](http://www.cmtd.act.gov.au)) by searching 'Online FOI Publication'.

Should you have any queries regarding this matter, please contact the Capital Metro Agency FOI Coordinator on (02) 6207 5424.

Yours sincerely



Melane Taylor  
Decision Maker  
Capital Metro Agency

24 March 2015

