



ACT
Government

Territory and Municipal Services

Dear

Freedom of Information Request – Contract 2014.22727.400

I refer to your request received on 27 October 2014, in which you sought access under the *Freedom of Information Act 1989* (the Act) to all documents relating to contract 2014.22727.400.

Decision

I am an officer authorised under section 22 of the Act to make a decision in relation to your request.

64 documents have been located within the scope of your request as summarised in the schedule at Attachment A. I have decided to release documents 1-4, 6, 9, 11-18, 20-26, 28-40, 42-43, 45-47, 49, 51-57, 60-62 and 64 to you in full.

I have decided to partially exempt documents 41, 44, 48, 50, 58-59 and 63 and to fully exempt documents 5, 7, 8, 10 and 27 from release pursuant to section 43(1)(c)(i) of the Act, which provides:

43 Documents relating to business affairs etc

- (1) A document is an exempt document if its disclosure under this Act would disclose—
- [...]
 - (c) information [...] 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[.]

The material that I have partially exempted relates to pricing information of third party contractors, and the exempted material in full relates to the evaluation report of the third parties who tendered for this contract. I have decided that the release of this information would unreasonably affect the business affairs of those third parties and therefore have decided not to release.

Additionally, I have exempted from release the personal email address of a third party in document 19 pursuant to section 41 of the FOI Act, which exempts material from release if the disclosure would involve the unreasonable disclosure of personal information about a person.

Fees and charges

Freedom of information requests attract fees and charges for time spent searching and retrieving documents, decision-making time and photocopying. In relation to your request, no fee is payable as the time spent processing your request, and the number of documents released were within the fee-free threshold.

Right of review

If you are dissatisfied with my decision, you have the right to seek an internal review. If you wish to seek an internal review you should write to:

The Director-General
Territory and Municipal Services Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

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

ACT Civil and Administrative Tribunal

If you are still dissatisfied after the directorate has conducted an internal review, you can seek an independent review of the decision by the ACT Civil and Administrative Tribunal. You have 28 days from the date of the internal review decision to seek a review from the Tribunal.

The Tribunal is an independent body. It can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations. To apply to the Tribunal for a review you can obtain an application form from the Tribunal (www.acat.act.gov.au). The postal address of the Tribunal is:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA ACT 2601

Ombudsman

You also have the right to contact the Ombudsman regarding the processing of your request. You may contact the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Further information

If you have any questions in relation to your request please contact the Directorate's FOI Coordinator on 6205 5408 or tamsfoi@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Peters', written in a cursive style.

Paul Peters
Executive Director
Roads and Public Transport

18 December 2014