



Dear 

FOI – Correspondence containing any reference to Rose Cleaning and/or Phillips Cleaning between the Directorate and United Voice

I refer to your three letters received by the Directorate on 13 June 2017 in which you are seeking access under the ACT *Freedom of Information Act 1989* (the FOI Act) to:

All documents and any information held by the Directorate relating to correspondence containing any reference to Rose Cleaning and/or Phillips Cleaning Services between the Directorate and United Voice.

Your letters referred to separate and overlapping periods of time:

- 1 January 2015 – 1 January 2016
- 1 January 2016 – 1 January 2017; and
- 1 January 2017 – 7 June 2017.

Our letter to you dated 23 June 2017 advised that we would take your request as being for the period 1 January 2015 to 7 June 2017 inclusive.

My decision

I am authorised under section 22 of the FOI Act to make a decision in respect of your request.

A schedule setting out the relevant documents and my decision in relation to their release is at Attachment A. The documents that I have decided to release are at Attachment B.

You will note from the schedule that I have decided:

- 22 of the documents are to be partially released under provisions within section 41 'documents affecting personal privacy', section 43 'documents relating to business affairs', and section 45 'documents containing material obtained in confidence' of the FOI Act.
- One of the documents is exempt in accordance with section 43 'documents relating to business affairs' of the FOI Act.

Section 41 – Documents affecting personal privacy

Section 41 states:

- (1) *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).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*

I have decided to partially release 21 documents under s 41 of the FOI Act 'documents affecting personal privacy'. I have redacted information of a personal nature or that could enable the identity of an individual to be readily ascertained. I have formed the view that to release this information would be an unreasonable disclosure of personal information.

Section 43 – Documents relating to business affairs

Section 43 states:

- (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.*

I have decided that one of the documents is exempt under s 43 of the FOI Act, as the document contains information that, if disclosed, could unreasonably affect the business or commercial affairs of an organisation. I am satisfied that the information that relates to business affairs of the organisation concerned is exempt under s 43 of the FOI Act.

Section 45 – Documents relating to breaches of confidentiality

Section 45 (1) states

(1) A document is exempt if its disclosure under this Act would constitute a breach of confidence.

I have decided to exempt two documents under this section of the FOI Act as it was provided to the Directorate with an expectation of mutual confidence; and its disclosure would breach that confidence. I am satisfied that the information obtained in confidence is exempt under s 45 of the FOI Act.

Documents containing information that is outside the scope of the request

Some documents contain information that is outside of the scope of the FOI request. These documents are recorded in the schedule.

Your rights for review

An information sheet is attached to this letter which sets out your rights for review of this decision.

ACT Government Online FOI Publication

As part of the ACT Government's commitment to open government, all written documents made available to an applicant in response to an FOI request are made available for online access by the public, subject to exceptions for personal information, information relating to business affairs, and copyright material. In this case the documents will be released publicly.

Yours sincerely



Tracy Stewart
Director
Governance and Community Liaison

29 September 2017

Freedom of Information Act 1989

Appeal Processes Following Internal Review

ACT Civil and Administrative Tribunal

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The Tribunal can be contacted by fax (02 6205 4855), email (tribunal@act.gov.au) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

An appeal must be filed in the Tribunal within 28 days after the internal review decision is made although you may seek an extension of time in certain circumstances.

An application for a review may be made by writing to the Tribunal, or by completing the *Application for Review of a Decision* form (available on the Tribunal's website at www.acat.act.gov.au). There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

ACT Ombudsman

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.