



ACT
Government

Chief Minister and Treasury

Our ref: FOI CMTD 26/13-14

Dear ,

I refer to your request of 15 April 2014, partially transferred under the *Freedom of Information Act 1989* (the Act) to the Chief Minister and Treasury Directorate (CMTD), for access to "all documents, notifications, and records related to the removal of Mr Fluffy asbestos including: asbestos clearance certificate and certificate of re-occupancy 15/04/1992 from , Farrer".

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents held by CMTD.

Identification of Documents

In terms of the identification and consideration of documents relevant to your request, I have interpreted the scope to specifically refer to the asbestos removal file for the property at Farrer ACT (your property) held in the Office of Industrial Relations.

Decision on access

I have considered all documents contained on the asbestos removal file for your property and I have decided to release to you, in full, the majority of these documents. My decisions concern documents relevant to your request; any information beyond the scope of your request has been excluded as indicated on the schedule of documents at Attachment A.

All relevant documents identified are listed on the attached schedule with a summary of my decision in relation to each and copies of the documents which I have released are attached. Duplicate documents have been listed on the schedule however, where applicable, only one copy has been included with the released documents.

Several of the documents located include the personal information of previous owners of your property. Under s 21 of the Act, I have determined it appropriate to delete the personal information exempt under s 41(1) and partially release the remainder of the documents as part of my decision.

My decisions made under the Online FOI Publication Policy are stated under that section.

Exemption claimed

Under section 41(1) of the Act, I have exempted excerpts of correspondence that affect the personal privacy of others.

Documents affecting personal privacy

Section 41 of the Act provides:

- (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.
- (3) Where—
 - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and
 - (b) it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.

Your right of review

Internal Review

You are entitled, under section 59 (1) of the Act, to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister and Treasury Directorate
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 may conduct an independent investigation into your complaint.

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

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Publication 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 may be released on the internet.

Personal information is not made available under section III of this policy; therefore, any identifying information contained in the documents provided to you on your property under s 41(2) of the Act has been redacted to protect your personal information and that of the previous owners of the property.

If you have concerns about the information that may be released online, please inform the FOI Coordinator immediately on (02) 620 50238.

A copy of the policy, with details about what information may be published on the internet, is available online at:

http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Should you have any queries in relation to this matter, please contact me on (02) 620 76003.

Yours sincerely



Fiona Barbaro
Director
Office of Industrial Relations

15 May 2014