



ACT
Government

Transport Canberra and
City Services

Mr

Dear Mr

Freedom of information request- Signage on Cotter Road

I refer to your application made under the *Freedom of Information Act 1989* (the FOI Act) received on 2 December 2016, in which you sought access to documents relating to:

- the setting up and/or using of variable message signs – or signage in general – on the Cotter Road (between Streeton Dr to Yarra Glen) in late September/early October 2016 regarding the plans to start work on the Cotter Road duplication project in mid- October 2016, and
- additionally, any documents regarding the delay to the plans to start the duplication to work in mid-October 2016.

Decision maker

I am an officer authorised under section 22 of the Act to make a decision in relation to an FOI request and apologise for the delay in doing so.

Third party consultation

I have sought comment from the National Capital Authority and Huon in relation to the release of information which has now been completed.

Decision on access

The directorate has located eight documents falling within the scope of your request as summarised at Attachment A.

I have decided to release the documents to you but have redacted personal details prior to release pursuant to section 41 of the FOI Act, which provides:

41 Documents affecting personal privacy

- (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).

The exempt material includes the name and contact details of third party contractors.

I have also deleted information that is out of scope to your request in document 7. The information relates to a range of details about the project that was considered in a meeting between government officers and third party contractors.

In response to the third party consultation for document 8, the author has objected to the disclosure of the document as the material contains information having commercial value that would be significantly diminished if disclosed to its competitors.

Taking into consideration the third party's objection, I have decided to exempt document 8 from release in full pursuant to section 43(1)(b) and of the FOI Act.

Sections 43(1)(b) of the FOI Act provide:

43 Documents relating to business affairs etc

(1) A document is an exempt document if its disclosure under this Act would disclose—

(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[.]

I have also decided that the disclosure of this information could reasonably be expected to destroy or diminish the commercial value of the information. This disclosure would affect the business affairs of the third party and may lead to damaging its standing with the ACT Government in future tendering processes.

Online release

Information released to a person under the Freedom of Information Act is subject to the ACT Government's Online FOI Publication Policy. This policy promotes the public release of information held by government via the open government website. In this case, I have decided to publish the documents on the website with the exempted material removed.

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
Transport Canberra and City Services
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 at www.acat.act.gov.au.

Ombudsman

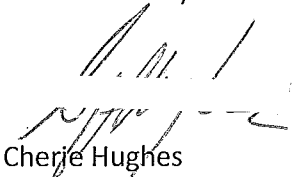
You also have the right to contact the Ombudsman regarding the processing of your request. You may contact the Ombudsman at:

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 tccs.foi@act.gov.au.

Yours sincerely



Cherje Hughes
Chief Operating Officer

8 February 2017