



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: FOI CMTEDD 9/14-15

Dear

I refer to your request of 2 October 2014, made under the ACT *Freedom of Information Act 1989* (the Act), for access to documents relating to the **2014 ACT Public Sector (ACTPS) People Matter Survey (the Survey) results**.

Specifically, you have stated in your request:

"I understand the results of the all staff survey, in which I participated and which related to the environment in which I worked, are now available.

I would like to request copies of the results and reports/analysis and communications to staff as they relate to the whole of service and the former Environment and Sustainable Development Directorate."

Decision Maker

I am authorised under section 22 of the Act and have been appointed to make a decision in relation to your request in so far as there are relevant documents in the possession or control of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

Charges

I have decided, under section 29, of the Act not to impose processing charges for this request.

Identification of Documents

In considering your application under the Act, I have interpreted the scope of your request to include the Survey results for both the former Environment and Sustainable Development Directorate (ESDD) and whole of ACT Public Sector (the Sector).

The documents I have considered under the scope of your request include the ESDD Survey Executive Summary and detailed results reports, the ESDD Survey comments report, the Sector Survey results, a draft report of the detailed Sector Survey results, and an analysis of the Sector Survey results. These documents are held by the Public Sector Management Branch, CMTEDD.

The summary and results of the Survey are published in the *ACT Public Service State of the Service Report 2014* which is available at http://www.cmd.act.gov.au/data/assets/pdf_file/0006/644541/State-of-Service-AR-2014.pdf.

Decision on Access

I have deliberated on release of the documents that fall within the scope of your request as set out above. I have decided to release to you, in full, three of the identified documents. Copies of these documents are enclosed with this letter along with a schedule outlining the access determinations (see items 3-5 on the schedule).

In accordance with s 21 of the Act, where it has been possible to delete exempt material from a relevant document in order to provide access to the remaining information I have done so and have decided to release to you information in the report that is not exempt under s 41 and s45 (see page 7 of 29, item 1 on the schedule) as outlined in my claims below; a copy is enclosed.

In accordance with Part 4 of the Act, I am satisfied that one of the documents identified is exempt from disclosure for the following reasons (see item 2 on the schedule).

Exemptions Claimed

The Sector was encouraged to participate in the first whole of government ACT Public Sector People Matter Survey to share individual experiences, suggest areas for improvement and identify ACT Public Service Values and Signature Behaviours in the workplace. This information was collected to provide aggregated results to the ACT Government to enable assessment of how the community can be better served by the ACT Public Sector.

Participants of the Survey were advised that confidentiality and anonymity would be respected and whilst individuals would not be identified through the responses, the aggregated results would be published in the *ACT Public Service State of the Service Report 2014*.

To ensure this confidence is upheld, I have decided to exempt from release data (such as what has appeared in low figures) and the individual comments provided that are not identifiable in the reports but may potentially be identified by someone who has worked in ESDD or has been privy to previous disclosures/ admissions that may lead them to identify the participants.

Therefore, under sections 41(1) and 45(1) of the Act, I have exempted from release the ESDD Survey Free Text Comments Report and the figures on page 7 of 29 of the ESDD Survey Detailed Results Report in respect of the participants' personal affairs and that the provision of the information for the Survey was in confidence. I believe that the disclosure of this information would constitute an unreasonable breach of privacy and confidence.

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.

Documents containing material obtained in confidence

Section 45 of the Act provides:

- 1) A document is an exempt document if its disclosure under this Act would constitute a breach of confidence.
- 2) Subsection (1) does not apply to any document to the disclosure of which section 36 (1) (a) applies or would, but for section 36 (2), (3) or (4), apply, being a document prepared by—
 - a) a Minister; or
 - b) a member of the staff of a Minister or an officer of an agency in the course of his or her duties; or
 - c) a prescribed authority in the exercise of its functions;
 - d) for purposes relating to the affairs of an agency or the official affairs of a Minister unless the disclosure would constitute a breach of confidence owed to a person or body other than—
 - e) a person in the capacity of Minister, member of the staff of a Minister or officer of an agency; or an agency or the Territory.

Your 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 as allowed by the Director-General.

Your request should be addressed to:

Director-General
Chief Minister, Treasury and Economic Development 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 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 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 and therefore any potentially identifying information contained in the documents is not released. For this reason, I have decided that the information published in the *ACT Public Service State of the Service Report 2014* has sufficiently released the aggregated, depersonalised data in line with the Government's Open Government commitment.

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 regarding this matter, please contact me on (02) 6205 0296.

Yours sincerely



Ms Liesl Centenera
Director
Public Sector Management

30 October 2014