



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref:
Your ref:

Request under the Freedom of Information Act 1998

I refer to your email dated 11 May 2015, to the Chief Minister, Treasury and Economic Development Directorate, in which you seek access, under the *ACT Freedom of Information Act 1989* (the Act), to information relating to *Tender 25376.100 - Canberra City Centre Marketing and Improvements Grant*, and in particular, how many companies tendered and why the successful tenderer was selected.

Decision

I am the officer authorised under section 22 of the FOI Act to make a decision in relation to your request and I wish to advise that five (5) documents have been identified as being relevant to your request.

I have decided to fully release three (3) documents that I consider not to fall within the exemption provisions of the FOI Act and to allow partial release of two (2) documents that I consider contain information captured under the exemption provisions of the Act.

The two (2) documents identified for partial release have redactions in accordance with following sections of the FOI Act:

Section 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).*

In accordance with section 14, material has been redacted from both of the partially released documents. The personal information that has been redacted pertains to signatures.

Section 43 – Documents relating to business affairs etc

- (1) (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.

One of the documents, being the Tender Evaluation Report, relates to the business and commercial affairs of a third party, and for this reason certain material in this document has been withheld from release.

The Schedule identifying all documents, including those where exemption provisions apply and information has been redacted, is attached. I have also enclosed copies of the fully released and partially released documents.

Right of Review

My decision to exempt certain documents is reviewable under section 59 of the FOI Act. If you wish to seek an internal review you should write to:

The Director General
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
Canberra ACT 2601

You have 28 days from the receipt of the response in which to lodge your request.

You also have the right to complain to the Ombudsman about the processing of your request pursuant to section 54 of the FOI Act. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
Canberra ACT 2601

Should you have any queries about your request please contact the FOI Coordinator, on 02 620 53955.

Open Government

Please be aware that, under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet.

Under this policy personal information or business affairs information will not be made available. 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/open_government/report/freedom_of_information_online

Yours sincerely

Glenn Lacey
Director Civil Infrastructure
Procurement and Capital Works
Chief Minister, Treasury and Economic Development Directorate

/s/ June 2015

