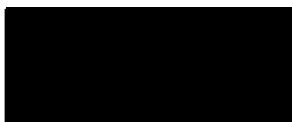




**ACT**  
Government

Justice and Community Safety

Our Reference: FOI:2017/00005



Email:



Dear



### **FREEDOM OF INFORMATION REQUEST**

I refer to your application dated 5 January 2017, in which you sought access, under the *Freedom of Information Act 1989* (the FOI Act), to information relating to the scoping, installation, testing, maintenance and removal of the Athllon Drive Point to Point Safety Camera.

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

Although the Act facilitates the objective of public access to documentation, the release of information is subject to a number of exceptions. In this instance, I am claiming partial exemption for the information you have requested, in accordance with the following sections of the FOI Act.

#### ***Section 36 Internal Working Documents***

Section 36 provides that:

- (1) *A document is an exempt document if its disclosure under this Act –*
  - (a) *would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
  - (b) *would be contrary to the public interest.*

Documents have been exempted under this section as their disclosure would disclose matter that is in the nature of opinion or recommendations that were prepared or recorded, in the course of, or for the purposes of deliberative processes regarding the policy functions of the Directorate and preparation of documents for consideration of the Executive. I have determined that it would not be in the public interest to disclose these documents at this stage.

#### ***Section 41 Documents affecting personal privacy***

Section 41 provides that:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.*

Some of the documents provided to you contain personal information such as phone numbers, personal email addresses and names of individuals who are not ACT Government employees. I

have redacted such personal information from these documents on the grounds of personal privacy. These redactions do not affect the substance of the documents.

### **Section 43 Documents relating to business affairs**

Section 43 provides that:

- (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 decided to exempt this information as its release could reasonably be expected to impact on the commercial interests of the businesses involved.

I have decided that the documents are to be partially exempted, with redactions in accordance with the above mentioned exemption provisions. Please see the attached schedule detailing what will be released to you (Attachment A).

A significant portion of the material you have requested was previously published under the FOI Online Publication Policy at: [http://www.cmd.act.gov.au/open\\_government/foi/jacsd/athllon-drive-point-to-point-speed-cameras](http://www.cmd.act.gov.au/open_government/foi/jacsd/athllon-drive-point-to-point-speed-cameras). As such, under section 11 of the Act, you will not receive these documents as part of this response package as they are already publicly accessible.

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that some of the documents relevant to your request, not including your original application, will be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit [http://www.cmd.act.gov.au/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

You have a right to seek a review of this decision under section 59 of the Act. You have 28 days from the date of this letter, or such other period as the Director-General permits, to seek a review. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

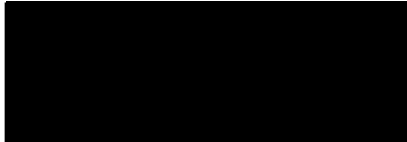
The Director-General  
ACT Justice and Community Safety Directorate  
C/- Freedom of Information Officer  
GPO Box 158  
CANBERRA ACT 2601

You also have the right to contact the Ombudsman regarding the processing of your request. If you wish to discuss this matter with the Ombudsman you should write to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Should you have any queries in relation to your request please feel free to contact the Freedom of Information Coordinator, Ms Emma Hotham on (02) 6207 2167.

Yours sincerely



Ms Karen Greenland  
Deputy Executive Director  
Legislation, Policy and Programs

21 February 2017