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Re: Freedom of Information Request – Hewatt Earthworks

I refer to your request (the request) submitted under section 14 of the ACT *Freedom of Information Act 1989* (the Act) received by the then Economic Development Directorate (EDD) on 19 May 2014. After you accepted a request to reduce scope you sought access to documents in relation to:

... all documents related to Hewatt Earthworks since 1 January 2014

Decision

As an officer authorised under section 22 of the Act to make a decision in relation to your request, I would like to advise you that the Directorate has identified a number of documents relevant to your request.

I have attached the full schedules identifying the individual documents found and the decisions regarding their release. The terms used are either 'Full release', 'Partial release' or 'Out of Scope'. Those with the term 'Partial release' and 'Out of Scope' have redactions for the following reasons:

1. The information relates to the personal affairs of a third party;
2. The information relates to the business affairs of a third party;
3. The information within the document is out of scope of the request;

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 information relating to the personal affairs of any person (including a deceased person).

I have not exempted any document under this provision, however material has been redacted from some of the released documents due to the information relating to the personal affairs of a third party. The redacted information includes names, contact details, signatures and any other information concerning the identity of third parties.

Section 43 Documents relating to business affairs etc

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

- (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.

I have not exempted any document under this provision, however material has been redacted from some of the released documents due to the information relating to the financial and commercial affairs of a third party.

Out of Scope

Some information has been redacted from particular documents, as outlined in the attached schedules due to the information not pertaining to the subject matter of the request and therefore considered out of scope. Any document or correspondence created after the original submission date of the request (13 May 2014) is also considered out of scope of the request and not captured under the FOI Act.

Review rights

You have the right to seek a review of any decision made by the Directorate under section 59 of the Act. 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
Economic Development
Chief Minister, Treasury and Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Ombudsman

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may contact the Ombudsman, who may conduct an independent investigation into any complaint you may have. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online Freedom of Information (FOI) Policy

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application will not be released on the internet. 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

If you have any queries in relation to this matter, please contact the FOI Coordinator on (02) 6207 5833 or email EDDFreedomofInformation@act.gov.au

Yours sincerely



✓ Glenn Lacey
Director, Infrastructure and Capital Works
Chief Minister, Treasury and Economic Development Directorate
21 July 2014