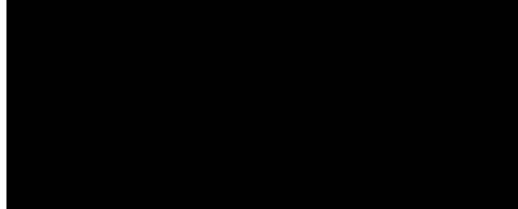




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 65/15-16



Dear 

Decision on Freedom of Information Request

I am writing in relation to your request for documents relating to ScreenACT, made under the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 31 May 2016.

In your request you are specifically seeking the following:

- *"... material/information, items held by the Chief Minister, Treasury & Economic Development Directorate in regard to the formed contracts, from 2007, captured by the named 'ScreenACT' ..."*
- *"the acquittal documentation tendered to the ACT Government in regard to these contracts. ScreenACT, as a word, describes a purported outsourced industry development/engagement activities for the screen based creative industries. It is a contract formed with two entities:*
 - *The Canberra Business Council, from about mid 2007 (... a now wound up entity) and*
 - *ACT Screen Industry Association Ltd ..."*
- *"... the contracts created between the Government and the ACT Screen Industry Association."*

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

Charges

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

Chief Minister, Treasury and Economic Development

Identification of Documents

Officers of CMTEDD have conducted searches of electronic and paper records for documents that may relate to your request. A total of 32 relevant documents have been located.

Consultation

In my letter of 27 June 2016 I explained that I would provide my decision on access to documents after consultation with relevant third parties who may wish to contend that documents should be exempt from release. Although I am not bound by third party submission, I have considered any submissions received in making my decision on access.

Decision on Access

I have decided to fully release ten documents to you and partially exempt from release the remaining documents. In accordance with section 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.

My reasons for not providing access to portions of particular documents are outlined in the following statement of reasons and in the attached schedule of documents.

Exemptions claimed

Documents affecting personal privacy

Relates to folios:

14,19,23,29,31,38,43,57,64,65,68,72,80,86,87,88,105,106,107,108,113,115,116,157,159, 185,186,189 and 190

Section 41 (1) 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).*

I have decided to exempt from release portions of these documents as they contain names and other identifying information about individuals who are not ACT Public Service officials. Identifying information includes details of job titles, past work and projects that I consider would reasonably be expected to identify these individuals. I have also redacted information concerning staff salaries. I consider that release of this information would be an unreasonable disclosure of personal information and a breach of privacy, as defined in section 41 (1) of the Act.

I have retained information about individuals that has previously been publicly released, whether in the media, online or in externally circulated publications.

I have redacted the signatures of ACT Public Service officials and external parties throughout the document package. I consider that these signatures are immaterial to the scope of your request.

Section 43 - Documents relating to Business Affairs

Relates to folios: 17,22,35,42,46,60,66,70,74,83, 89, 90, 109, 110, 118,119,153,161 and 191

Section 43 of the Act provides:

- (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.*
 - (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 decided to exempt from release the above listed folios as they contain commercially sensitive information, specifically financial and operational information of an organisation. I consider that this information, if publicly released, could reasonably be expected to affect this organisation adversely as it would reveal their cost structure and also reveal information about the organisation's business with other companies.

I consider that the information contained in these documents has a commercial value as it could be used by competitors to gain a competitive advantage. For this reason I consider that redaction of such information is in line with the provisions stated in section 43 of the Act.

Section 45 - Documents Containing Material Obtained in Confidence

Relates to folios: 15,20,25,26,27,32,39,44,58,68,69,81,156,186,187 and 188

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*
 - f) an agency or the Territory.*

The above listed folios contain information that was provided to ScreenACT providers in confidence by external parties. I have decided to exempt this information from release under section 45(1) of the Act.

In making my decision, I have considered that applicants for ScreenACT grants have an expectation of confidence when providing information to support their applications. I consider that release of this information would constitute a breach of confidence.

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 Freedom of Information 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 Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that my decision on your request will be published online. Personal Information or business information will not be made available under this policy.

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) 6207 2004.

Yours sincerely



Ian Cox
Executive Director
Innovate Canberra

5 August 2016