

Notice of Decision and Reasons for Decision

Applicant:	'DZ8'
Agency:	Bayside City Council
Decision date:	13 May 2022
Exemptions considered:	Sections 32(1), 33(1) and 38 of the <i>Freedom of Information Act 1982</i> (Vic) in conjunction with section 125 of the <i>Local Government Act 2020</i> (Vic)
Citation:	'DZ8' and Bayside City Council (Freedom of Information) [2022] VICmr 26 (13 May 2022)

FREEDOM OF INFORMATION – council documents – emails – legal privilege – waiver of privilege – *Local Government Act 2020* (Vic) – secrecy provision – confidential information – personal information

All references to legislation in this document are to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision differs from the Agency's decision in that I have determined to release additional information in the documents to the Applicant. I have also considered the application of section 38 in conjunction with section 125 of the *Local Government Act 2020* (Vic) (**LG Act**).

I am satisfied the information identified by the Agency as exempt under section 32(1) is not exempt under either section 38 or 32(1) as the Agency has waived legal privilege in this information.

In relation to the information the Agency exempted from release under section 33(1), I am satisfied certain information is 'confidential information' within the meaning of 'personal information' under section 3(1)(f) of the LG Act and is exempt from release under section 38. However, where I have determined the disclosure of 'personal information' would not be unreasonable, I am not satisfied it is exempt under either section 38 or 33(1).

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted in accordance with section 25, access to the documents is granted in part.

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

In addition, the Agency has been provided with a marked-up copy of the documents indicating information to be released.

My reasons for decision follow.

Joanne Kummrow

Public Access Deputy Commissioner

13 May 2022

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to the following documents:

...copies of the legal advice provided to [Name] and [Name] in regard to the conflicts of interest for the [venue] (mentioned in the email from [Name] that I have provided to you), and the information provided to the solicitors in order for that advice to be given, and the identity of the solicitors who provided the advice.
2. The Agency identified two documents falling within the terms of the Applicant's request and refused access to both documents in full under section 32(1). The Agency's decision letter sets out the reasons for its decision.

Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. I have examined a copy of the documents subject to review.
5. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
6. I have considered all communications and submissions received from the parties.
7. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
8. I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.

Preliminary view

9. On [date], OVIC provided the Agency with a preliminary view that on the available information, it was satisfied section 32(1) did not apply in the circumstances as legal professional privilege had been waived by the Agency.
10. The Agency was invited to provide a further submission, make a fresh decision under section 49M or agree to release further information in the documents without making a fresh decision. It was also open to the Agency to rely on its decision letter and submission already made.
11. On [date], the Agency declined to release further information in the documents and provided a supplementary submission in support of its view that privilege had not been waived.

New Local Government Act

12. In undertaking a review under section 49F, I am required by section 49P to make a fresh or new decision. This means my review does not involve determining whether the Agency's original decision is correct, but rather I am required to ensure my fresh decision is the 'correct or preferable

decision’.¹ This involves ensuring my decision is correctly made under the FOI Act and any other relevant applicable law in force at the time of making my fresh decision.

13. On [date], section 125 of the LG Act came into effect. This provision changes the way a council must process certain FOI requests as it prohibits the disclosure of ‘confidential information’, which includes personal affairs information in documents held by a council.
14. Therefore, it is appropriate to first consider whether the documents subject to review are exempt under section 38 of the FOI Act in conjunction with section 125 of the LG Act.

Review of exemptions

Section 38 – Document to which a secrecy provision applies

15. A document is exempt under section 38 if the following three requirements are met:
 - (a) there is an enactment in force;
 - (b) the enactment applies specifically to the kind of information in a document; and
 - (c) the enactment prohibits persons, referred to in the enactment, from disclosing that type of specific information.
16. For section 38 to apply to a document, an enactment must be framed with such precision that it specifies the exact information sought to be prohibited from disclosure.

Is there an enactment in force?

17. Section 125 of the LG Act came into force on 24 October 2020 and provides:

125 Confidential information

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
Penalty: 120 penalty units.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
 - (a) for the purposes of any legal proceedings arising out of this Act;
 - (b) to a court or tribunal in the course of legal proceedings;
 - (c) pursuant to an order of a court or tribunal;
 - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
 - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
 - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
 - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;

¹ *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577 at 591.

- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
- (i) to the extent reasonably required by a law enforcement agency.

18. I am satisfied the LG Act is an enactment in force for the purposes of section 38.

Does the enactment apply specifically to the kind of information in the documents, and does it prohibit persons, referred to in the enactment, from disclosing the requested information?

19. The term ‘confidential information’ is defined in section 3(1) of the LG Act, and includes:

...

- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

...

20. The definition of ‘confidential information’ in the LG Act, as set out above, overlaps with the exemptions under sections 32(1) and 33(1) of the FOI Act.

Section 32(1) – Document subject to legal professional privilege

21. The Agency relies on section 32(1) to exempt the investigation report and submits the documents were created for the dominant purpose of their legal representative providing legal advice to the Agency in response to the allegations made by the Applicant.

22. Section 32(1) provides a document will be exempt if it is of such a nature it would be privileged from production in legal proceedings on grounds of legal professional privilege or client legal privilege (**legal privilege**).

23. A document will be subject to legal privilege and exempt from release under section 32(1) if it contains a confidential communication:

- (a) between the client (or their agent) and the client’s professional legal advisers, that was made for the dominant purpose of obtaining or providing legal advice or is referable to pending or contemplated litigation;
- (b) between the client’s professional legal advisers and third parties, that was made for the dominant purpose of pending or contemplated litigation; or
- (c) between the client (or their agent) and a third party that was made for the purpose of obtaining information to be submitted to the client’s professional legal advisers for the dominant purpose of obtaining advice on pending or contemplated litigation.²

24. Legal privilege exists to protect the confidentiality of communications between a client and their legal representative.

25. The High Court of Australia has held the purpose of legal privilege is ensures a client can openly and candidly discuss legal matters with their legal representative and seek legal advice:

The rationale of this head of privilege, according to traditional doctrine, is that it promotes the public interest because it assists and enhances the administration of justice by facilitating the representation of

² *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also section 119 of the *Evidence Act 2008* (Vic).

clients by legal advisers, the law being a complex and complicated discipline. This it does by keeping secret their communications, thereby inducing the client to retain the solicitor and seek his advice, and encouraging the client to make a full and frank disclosure of the relevant circumstances to the solicitor.³

26. The dominant purpose for which a confidential communication was made will determine whether the exemption under section 32(1) applies.⁴ Therefore, whether a document is privileged will depend upon the purpose for which it was brought into existence and is a question of fact.
27. The High Court of Australia described this legal principle as:

... a document which was produced or brought into existence either with the dominant purpose of its author, or of the person or authority under whose direction, whether particular or general, it was produced or brought into existence, of using it or its contents in order to obtain legal advice or to conduct or aid in the conduct of litigation, at the time of its production in reasonable prospect, should be privileged and excluded from inspection.⁵
28. 'Dominant' in the context of determining whether the dominant purpose for which a document was created, requires there must be a 'clear and paramountcy' of purpose for privilege to attach.⁶
29. On the information before me, I am satisfied the requisite client/lawyer relationship exists between the Agency and their legal representative.
30. Further, I am satisfied the dominant purpose for which the documents were prepared was for the Agency's legal representative to provide the Agency with legal advice in relation to the allegations made by the Applicant.
31. Accordingly, I am satisfied the documents are subject to legal privilege for the purpose of section 32(1).

Waiver of legal privilege

32. Privilege may be waived or lost by the client in circumstances where their conduct is inconsistent with the maintenance of legal privilege. For instance, where the substance of the privileged advice is disclosed with the client's express or implied consent.⁷
33. An implied waiver of privilege will occur when a positive act of the client is inconsistent with maintaining the confidentiality in the communication irrespective of whether a waiver of privilege was the subjective intention of the client.
34. In considering an alleged implied waiver of privilege in *Osland v Secretary, Department of Justice* the High Court of Australia noted:

In deciding what the law requires, a court considers the supposed waiver in the context of all of the relevant circumstances. What is normally involved (as here) is a question of fact and degree. The search is not for the actual or imputed intention of the party said to have waived its privilege. It is a search for the objective consequence of that party's conduct in revealing some, but not all, of the particular legal advice.⁸

³ *Grant v Downs* (1976) 135 CLR 674, 685.

⁴ *Esso Australia Resources Limited v Commissioner of Taxation* [1999] HCA 67; 201 CLR 49.

⁵ *Grant v Downs* (1976) 135 CLR 674, 677.

⁶ See *Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority* (2002) 4 VR 332; *Commissioner of Taxation v Pratt Holdings* [2005] FCA 1247.

⁷ Sections 122(2) and 122(3) of the *Evidence Act 2008* (Vic) (for client legal privilege) or *Mann v Carnell* (1999) 201 CLR 1 at [28] (for legal professional privilege).

⁸ *Osland v Secretary, Department of Justice* (2008) 234 CLR 275 at [93].

35. The Applicant submits the Agency acted inconsistently with the maintenance of the confidentiality of the legal advice in [two quoted email] communications [sent from by the Agency to the Applicant]:

[Email correspondence content redacted]

36. In a confidential response to a preliminary view presented to the Agency by OVIC staff, the Agency submitted that while the above [referenced] emails disclosed the fact and conclusion of the legal advice, it did not disclose the effect or the basis of the advice and therefore did not waive privilege.
37. Having carefully considered the authorities and submissions, on balance, I am satisfied the Agency's emails disclosed the conclusion of the advice, which amounts to a waiver of privilege.
38. In making this finding, I note the relevant correspondence explicitly states the substance of the legal advice rather than referring to the mere existence of legal advice. Further, the relevant legal advice is confined to the issue disclosed in the emails only.
39. Accordingly, I am satisfied the information identified as exempt by the Agency under section 32(1) is information to which legal privilege applies and has been waived by the Agency. Therefore, I am not satisfied information in the documents is 'confidential information' for the purposes of the LG Act.
40. My decision in relation to section 32(1) is set out in **Annexure 1**.

Section 33(1) – Personal affairs information of third parties

41. As I am satisfied the documents are no longer subject to legal privilege and not exempt under section 38 of the FOI Act in conjunction with section 125 of the LG Act, I must consider the remaining information.
42. As noted above, the definition of 'confidential information' in section 3(1)(f) of the LG Act, which concerns 'personal information', overlaps with the exemption under section 33(1) of the FOI Act.
43. A document is exempt under section 33(1) if two conditions are satisfied:
- (a) disclosure of the document under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant (a **third party**);⁹ and
 - (b) such disclosure would be 'unreasonable'.
44. Given this overlap, I have had regard to similar considerations that arise under section 33(1) of the FOI Act in determining whether the documents contain 'personal information' about any person or their personal affairs, and whether disclosure would be unreasonable in the circumstances.
45. Information relating to a person's 'personal affairs' includes, but is not limited to, information that identifies any person, or discloses their address or location. It also includes any information from which such information may be reasonably determined.¹⁰
46. Personal affairs information that relates to an individual 'concerns or affects that person as an individual'.¹¹
47. A document will disclose personal affairs information if it is capable, either directly or indirectly, of identifying an individual whose personal affairs are disclosed.

⁹ Sections 33(1) and 33(2).

¹⁰ Section 33(9).

¹¹ *Hanson v Department of Education & Training* [2007] VCAT 123.

48. Further, as the nature of disclosure under the FOI Act is unrestricted and unconditional, this is to be interpreted by the capacity of any member of the public to potentially identify a third party.¹²

Do the documents contain the 'personal affairs information' of a third party?

49. I am satisfied the documents contain the following 'personal information' of third parties for the purposes of section 3(1)(f) of the LG Act:
- (a) the names and contact information of officers at the Agency (**Agency officers**);
 - (b) the name and direct contact information of the Agency's lawyer (the **lawyer**) who provided the written advice; and
 - (c) the names and personal experiences of other third parties (**other third parties**).
50. Accordingly, I am satisfied the general nature of the information subject to review comprises of 'personal information' for the purposes of section 125 of the LG Act.

Would release of the personal affairs information be 'unreasonable' in the circumstances?

51. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the protection of an individual's right to personal privacy in the circumstances.
52. In *Victoria Police v Marke*,¹³ the Victorian Court of Appeal held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others', and the exemption under section 33(1) 'arises only in cases of unreasonable disclosure' and '[w]hat amounts to an unreasonable disclosure of someone's personal affairs will necessarily vary from case to case'. The Court further held, '[t]he protections of privacy, which lies at the heart of s 33(1), is an important right that the FOI Act properly protects. However, an individual's privacy can be invaded to a lesser or greater degree'.¹⁴
53. In determining whether disclosure of personal affairs information in the documents would be unreasonable, I have considered the following factors:
- (a) The nature of the personal information and the circumstances in which it was obtained

Personal affairs information of Agency officers

In my view, the personal affairs information of the Agency officer recorded in the documents was obtained by the Agency in the context of performing its official duties associated with its functions.

Whether the personal affairs information of Agency staff is exempt under section 33(1) must be considered in the context of each matter.¹⁵ It has been held there is nothing particularly sensitive about matters occurring or arising in the course of one's official duties and disclosure of this type of information is generally considered not unreasonable.¹⁶

Subject to special circumstances, I consider disclosure of the name of an agency officer would not be unreasonable where, regardless of their seniority, it is recorded in an official document of the agency and records the officer carrying out their usual employment duties and responsibilities within a professional context. However, I accept disclosure of direct contact

¹² *O'Sullivan v Department of Health and Community Services (No 2)* [1995] 9 VAR 1 at [14]; *Beauchamp v Department of Education* [2006] VCAT 1653 at [42].

¹³ [2008] VSCA 1653 at [42].

¹⁴ [2008] VSCA 218 at [79].

¹⁵ *Coulson v Department of Premier and Cabinet (Review and Regulation)* [2008] VCAT 229.

¹⁶ *Re Milthorpe v Mt Alexander Shire Council* (1997) 12 VAR 105.

details such as an email address or a mobile telephone number may expose an agency officer to direct and inappropriate contact, including outside of usual business hours.

In this case, the Agency officers' names in the documents appear in the context of carrying out their professional roles, in contrast to their personal or private lives.

Personal affairs information of the Agency lawyer

In the context of this matter, personal affairs information relating to the Agency lawyer is contained in correspondence between them and their client (the Agency) in relation to the provision of legal advice. As such, I consider the nature of this personal affairs information in the documents is sensitive given this context.

I also consider the information was provided to the Agency by its lawyer with an expectation of confidentiality that is consistent with the client/lawyer relationship discussed above.

Personal affairs information of other third parties

Document 1 contains passing reference to other third parties related to an Agency officer. The nature of the information is the name and personal experiences of third parties regarding their personal lives rather than in the context of carrying out their professional role on behalf of the Agency.

(b) The Applicant's interest in the information

The FOI Act provides a general right of access that can be exercised by any person, regardless of their motive or purpose for seeking access to a document. However, the reasons why an applicant seeks access to a document is a relevant consideration in determining whether disclosure would be unreasonable.¹⁷

The Applicant did not provide a reason for seeking access to the personal affairs information contained in the documents beyond the context that they had raised the allegations of a conflict of interest.

(c) Whether any public interest would be promoted by the release of the information

The Applicant did not provide any specific information as to any public interest that would be promoted by release of the personal affairs information in the documents.

In the circumstances, I am not satisfied there is an overriding public interest in the disclosure of the personal affairs information that outweighs the personal privacy of the relevant third parties. Nor is there information before me to demonstrate the public interest would be promoted by disclosure of the personal affairs information to the Applicant in the circumstances of this matter.

(d) Whether the individuals to whom the information relates object, or would be likely to object, to the release of the information

In determining whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, where practicable, an agency must notify that person an FOI request has been received seeking access to documents containing their personal affairs information and seek their view as to whether it should be disclosed.¹⁸

¹⁷ *Victoria Police v Marke* [2008] VSCA 218 at [104].

¹⁸ Section 33(2B).

I note the Agency did not claim section 33(1) over the personal affairs information contained in the documents. In this case, I consider it would be reasonably likely the lawyer and the other third parties would object to the disclosure of their personal affairs information in the documents.

- (e) Whether disclosure of the information would, or would be reasonably likely to endanger the life or physical safety of any person¹⁹

There is no specific information before me to suggest this is a relevant factor in this matter.

54. Having weighed up the above factors, on balance, I am satisfied disclosure of the personal information of the lawyer would be unreasonable in the circumstances.
55. However, I am not satisfied it would be unreasonable to release the names of the Agency officers in the documents where they are merely performing their professional duties and were directly involved in the Agency's decision making process.
56. Therefore, I am satisfied certain personal information in the documents is 'confidential information' for the purposes of the LG Act and is therefore exempt from release under section 38 of the FOI Act in conjunction with section 125 of the LG Act.

Conclusion on section 38

57. I consider section 38 of the FOI Act applies to information in the documents as I am satisfied:
- (a) section 125 of the LG Act is an enactment in force;
 - (b) subsections 3(1)(e) and 3(1)(f) of the LG Act refer specifically to 'confidential information' in the documents; and
 - (c) section 125 of the LG Act prohibits Agency officers, specifically councillors and council staff, from disclosing 'confidential information'.
58. Having reviewed the documents, I am satisfied certain 'confidential information' in the documents is exempt under section 38 of the FOI Act in conjunction with section 125 of the LG Act.
59. However, I am not satisfied the information identified as exempt information by the Agency under section 32(1) is information to which legal privilege applies, and is not 'confidential information' within the meaning of section 3(1)(e) of the LG Act for the purposes of section 125 of that LG Act. As such, I am not satisfied it is exempt under section 38.
60. My decision in relation to section 38 is set out in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

61. Section 25 requires an agency to grant access to an edited copy of a document where it is practicable to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
62. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²⁰ and the effectiveness of the deletions. Where

¹⁹ Section 33(2A).

²⁰ *Mickelburgh v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.²¹

- 63. Having reviewed the documents, I am satisfied certain information is irrelevant to the terms of the Applicant's request as it relates to matters or people involved in the processing of the request rather than the subject of the request.
- 64. I have considered whether it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25. I am satisfied it is practicable to delete such information as to it would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

- 65. On the information before me, I am satisfied the information identified by the Agency as exempt under section 32(1) is not exempt under either section 38 or 32(1) as the Agency has waived legal privilege in this information.
- 66. In relation to the information the Agency exempted from release under section 33(1), I am satisfied certain information is 'confidential information' within the meaning of 'personal information' under section 3(1)(f) of the LG Act and is exempt from release under section 38. However, where I have determined the disclosure of 'personal information' would not be unreasonable, I am not satisfied it is exempt under either section 38 or 33(1).
- 67. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted in accordance with section 25, access to the documents is granted in part.
- 68. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.
- 69. In addition, the Agency has been provided with a marked-up copy of the documents indicating information to be released.

Review rights

- 70. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.²²
- 71. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²³
- 72. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁴
- 73. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
- 74. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.²⁵

²¹ *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division* (Review and Regulation) [2013] VCAT 1267 at [140] and [155].

²² The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²³ Section 52(5).

²⁴ Section 52(9).

²⁵ Sections 50(3F) and 50(3FA).

Third party review rights

75. As I have determined to release documents that contain the personal affairs information of persons other than the Applicant, if practicable, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.²⁶
76. In this case, I am satisfied it is practicable to notify the relevant third party of their review rights and confirm they will be notified of my decision on the date of decision.

When this decision takes effect

77. My decision does not take effect until the third parties' 60 day review period expires.
78. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

²⁶ Sections 49P(5), 50(3) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Email	2	Refused in full Section 32(1)	Release in part Sections 38, 25 The document is to be released, except for exempt and irrelevant information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.	Section 38: Having considered the personal affairs information in the document, I am satisfied it would be unreasonable to release the direct contact information of third parties and the name of lawyer. Accordingly, I am satisfied this information is confidential information and is exempt under section 38 in conjunction with section 125 of the LG Act. Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant material deleted as to do so would not take substantial time and effort and the document would retain meaning.
2.	[date]	Email	3	Refused in full Section 32(1)	Release in part Sections 38, 25 The document is to be released, except for exempt and irrelevant information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be	Sections 38 and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					deleted in accordance with section 25.	