

## Notice of Decision and Reasons for Decision

---

Applicant:	'EC7'
Agency:	Ambulance Victoria
Decision date:	29 June 2022
Exemptions considered:	Sections 33(1), 35(1)(b)
Citation:	'EC7' and Ambulance Victoria (Freedom of Information) [2022] VICmr 51 (29 June 2022)

---

FREEDOM OF INFORMATION – workplace relations – investigation report – external consultant – workplace review – health and wellbeing – rosters – personal affairs information – information provided in confidence – disclosure would not be contrary to the public interest

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 fresh decision to refuse access to a document requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision.

While I am satisfied certain information in the document is exempt from release under sections 33(1) and 35(1)(b), I am not satisfied all information in the document is exempt.

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

A marked-up copy of the document showing the information to be released, and exempt and irrelevant information to be deleted, has been provided to the Agency with this decision.

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

My reasons for decision follow.

**Joanne Kummrow**  
Public Access Deputy Commissioner  
29 June 2022

## Reasons for Decision

### Background to review

1. [Redacted – Contextual information]. [The Agency] engaged an external consultant to conduct a review into workplace health and wellbeing at the Agency.
2. Subsequently, the Applicant made a request to the Agency seeking access to the following documents:
  1. Complete and in full copy of the “[Name] Report” commissioned by Ambulance Victoria [AV] to have [external consultant] investigate issues in the AV [place] – completed [date].
  2. Information requested in addition to the final ‘[Name]’ report and its recommendations, in full, is the scope and or Terms of Reference provided to [the consultant] by AV to instruct [their] final report.
  3. Employment references completed and provided to AV by [third party] and [third party] with reference to my [Applicant] Application for [role title] [Location] – [Year]
  4. Reasons for rejected my application for the position of [role title] at the [Location] Branch – [Year] [redacted – contextual information]
  5. Details, reasons and identification of person or persons authoring AV’s decision for ...rejection of my employment applications to AV [redacted – contextual information].
  6. Provide the number of unfilled [description of] shifts in AV Regions for the period [date] inclusive.
  7. Provide the number of shifts vacancies filled with Ambulance Community Officers in AV Regions for period [date] inclusive.
3. The Agency identified one document only relevant to point 1 of the Applicant’s request and refused access to the document in full under sections 30(1), 33(1) and 35(1)(b). The document is a 39 page report into the Agency’s workplace health and wellbeing review (the **Report**).
4. The Agency did not locate any documents in relation to points 3, 4, 5, 6 and 7 of the Applicant’s request. However, it created a document in accordance with section 19 in response to points 6 and 7, which it released to the Applicant in full.

### Complaint concerning adequacy of document searches

5. During the review, the Applicant raised concerns about the adequacy of the Agency’s document searches in relation to point 2 of the FOI request. In accordance with section 61B(3), these concerns were addressed as part of this review.
6. In reviewing the terms of the Applicant’s request and noting the Agency identified one document only, OVIC staff made further inquiries with the Agency to address the Applicant’s document search concerns. The outcome of those inquires was that the Agency located additional documents which it has released to the Applicant outside the FOI Act. These additional documents are numbered Documents 2, 3, 4, 5 and 6 in the Schedule of Documents in **Annexure 1**. As these documents have been released to the Applicant, they do not form part of my review.
7. I now consider the Applicant’s complaint has been fully pursued and there is no basis for the making of further inquiries or taking further action under the FOI Act.

### Review application

8. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency’s decision to refuse access to the Report.

9. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
10. On [date], OVIC staff provided an initial view to the Agency in relation to its decision to refuse access to the Report under sections 30(1) and 35(1)(b). In particular, the operation of section 30(6) which provides that the exemption under section 30(1) cannot be relied upon where a document was created over 10 years ago. The Agency was invited to provide a further submission or consider making a fresh decision under section 49M(1).
11. On [date], the Agency made a fresh decision in which it refused access to the Report in full under sections 33(1) and 35(1)(b).
12. The Applicant did not agree with the Agency's fresh decision and, as required by section 49MA(2), I proceeded with my review on the basis of the fresh decision.
13. During the review, the Applicant advised they do not seek access to the personal affairs information of any third party in the Report, such as a person's name or position title.
14. I have examined a copy of the Report and considered all communications and submissions received from the parties.
15. 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.
16. 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.

## **Review of exemptions**

### ***Section 35(1)(b) – Information obtained in confidence***

17. A document is exempt under section 35(1)(b) if two conditions are satisfied:
  - (a) its disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
  - (b) it disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

### *Was the information or matter communicated in confidence to the Agency?*

18. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.<sup>1</sup>
19. Confidentiality can be express or implied from the circumstances of the matter.<sup>2</sup>
20. When determining whether information was communicated to an agency in confidence, it is necessary to consider the position from the communicator.<sup>3</sup>

---

<sup>1</sup> *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

<sup>2</sup> *Ibid.*

<sup>3</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [265].

21. Generally, section 35(1)(b) applies to information communicated to an agency from an outside source rather than from an officer within an agency. However, section 35(1)(b) may apply to information communicated in confidence by an agency officer within the agency in certain circumstances. For example, in the context of an agency officer making a workplace complaint or responding to a workplace investigation, or confidential communications between different parts of an agency.<sup>4</sup>
22. The Report was created more than [number of] years ago and concerns a review of workplace health and wellbeing of Agency employees in a particular regional area. The Report reflects the views of numerous employees who appear to have participated in the review conducted by an external consultant in relation to workplace culture and their personal opinions and experiences.
23. Other than the author of the Report, the document does not name individuals. However, references to groups of individuals appear in the Report along with direct quotes from participants.
24. The Agency submits:

Information was received on behalf of Ambulance Victoria by the consultant preparing the assessment on a confidential basis, and was communicated on a confidential basis to Ambulance Victoria by the consultant. The exempt document has been kept confidential and only accessible on a need-to-know basis. The information in the exempt document was treated by Ambulance Victoria as having been communicated in confidence.
25. I accept the external consultant was engaged by the Agency to conduct the review and prepare a confidential report.
26. Having considered the above submission and the context and content of the Report, I am satisfied the external consultant advised Agency officers, who participated in the review, that the information they provided would remain private and confidential. As such, I am satisfied parts of the Report contain information or matter communicated in confidence to the Agency.
27. Further, it is clear from the way in which the Report has been drafted, that much care has been taken by the author not to name any individual or include information that could be used to identify a particular individual.

*Would disclosure of the document be contrary to the public interest as it would be reasonably likely to impair the ability of the Agency to obtain similar information in the future?*

28. The public interest test under section 35(1)(b) is narrow and does not permit me to have regard to other public interest factors for or against disclosure.
29. Determining whether disclosure of the Report would be contrary to the public interest is limited to considering whether others in the position of the review participants would be reasonably likely to be inhibited or deterred from providing similar information to the Agency in the future, should the information they provided to the review or the Report be disclosed.
30. Section 35(1)(b) will not be made out if the evidence goes no further than a person would be less candid than what they otherwise might be in providing information to the Agency in the future.<sup>5</sup>

---

<sup>4</sup> See *Sportsbet v Department of Justice* [2010] VCAT 8 at [71]-[78]; *XYZ v Victoria Police* [2010] VCAT 255 at [287]-[288]; *Birnbauer v Inner and Eastern Health Care Network* (1999) 16 VAR 9 at [17].

<sup>5</sup> *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549 approving *Birnbauer v Inner and Eastern Health Care Network* (1999) 16 VAR 9.

31. In relation to the public interest test under section 35(1)(b), the Agency submits:

Although it is relevant that the document was created in [Year], that alone is not enough to sufficiently reduce the risk that disclosure would have that effect. If it became known that information which was collected from staff on a confidential and private basis was released to a [person] ([redacted]), and in the circumstances where some staff from the relevant period are still employed by Ambulance Victoria, it is reasonable to conclude and common senses dictates that should Ambulance Victoria commission a similar assessment in future, staff would not be forthcoming or the quality and nature of any information that was provided would not be as fulsome or helpful.

The risk of such a consequence following is heightened given:

- the circumstances in which the information was collected;
- the fact that it was collected confidentially and in private;
- the fact that participants had an understanding that it would be kept confidential and anonymous as far possible;
- the fact that industry best practice is that health and wellbeing assessments of a workplace are conducted on a confidential basis to encourage voluntary participation and openness by participants; and
- the need for integrity of such processes to be maintained.

32. As stated above, the Report is written in such a way to protect the identity and confidentiality of most of the participants or individuals referred to in the Report. I also note the pool of participants was relatively large, despite relating to the Agency's workforce in a particular regional area.

33. In most instances, the views and experiences of participants are communicated from a broad or general perspective rather than recording a specific opinion provided by an individual. Accordingly, where I consider information in the Report could not be used to reidentify a specific individual or participant, I consider its disclosure would not impair the Agency's ability to obtain similar information in the future given the nature and importance of workplace reviews and investigations.

34. In this regard, I note the recent independent review undertaken by the Victorian Equal Opportunity and Human Rights Commission (the **Commission**) at the request of the Agency into workplace equality in Ambulance Victoria, 'following reports of alleged discrimination, sexual harassment, victimisation and bullying in the organisation' is evidence of the continuing occurrence of workplace reviews.<sup>6</sup> Following the Commissioner's review, it published two final reports. While the scope of the Commission's review covered the whole Agency and the review the subject of the Report examined the Agency workforce in a regional area, I consider each of the reports are presented in such a way as not to disclose the identity of any particular individual or source of confidential information.

35. Similar workplace reviews have also been conducted into Victoria Police.<sup>7</sup> As such, I consider reviews of this nature are not uncommon and rely on the voluntary participation of agency officers who are almost always provided with assurances of confidentiality in exchange for information to inform the review.

36. I acknowledge the fine balance between encouraging the voluntary participation of agency officers in exchange for assuring a participant's confidentiality with the need to synthesise and report on evidence obtained and make appropriate findings and recommendations.

---

<sup>6</sup> See *Final Report into Independent Review into Workplace Equality in Ambulance Victoria* (Volumes 1 and 2) (published by the Victorian Equal Opportunity and Human Rights Commission at <https://www.humanrights.vic.gov.au/legal-and-policy/research-reviews-and-investigations/ambulance-victoria-review/about/>).

<sup>7</sup> See for example the Victorian Equal Opportunity and Human Rights Commission's independent review of Victoria Police at <https://www.humanrights.vic.gov.au/legal-and-policy/research-reviews-and-investigations/police-review/>.

37. I accept the Report contains information that is sensitive where it is sufficiently detailed that it may be used to reidentify an Agency officer or participant in the review, such as quotes obtained from Agency officers in relation to their workplace and colleagues.
38. However, given the Report is now more than [number of] years old and much of the information concerns past incidents and opinions held by anonymous Agency officers at that time, I consider the sensitivity of much of the information in the document would have reasonably subsided for many, if not most of the participants with the passage of time. Further, as discussed above, in this particular case, the way in which the Report has been drafted means that much care has been taken by the author not to name any individual or include information that could be used to identify a particular individual.
39. The Agency refused access to the Report in full. As stated above, during the review the Applicant advised they do not seek access to certain personal affairs information such as an individual's name or position title. Therefore, all personal affairs information in the document that directly identifies a third party is irrelevant information for the purpose of section 25.
40. Having carefully considered the content and context of the Report, I am satisfied disclosure of certain information would not impair the ability of the Agency to obtain similar information in the future where it is possible to release it without disclosing the identity of any particular individual or source of confidential information.
41. However, I am satisfied disclosure of the following information could be used to identify a specific individual or participant in circumstances where they provided information in confidence to a sensitive workplace review:
  - (a) where information in the Report could be used either on its face or with other information to identify a particular individual or source of confidential information; and
  - (b) where information provided by a participant to the external consultant is quoted in the Report and may be used to identify the source of the information.
42. Accordingly, I am satisfied disclosure of the above information would have a detrimental impact on the willingness of Agency officers to participate in future workplace reviews and the level of detail they would be willing to provide to a review.
43. As such, I am satisfied certain information in the Report is exempt from release under section 35(1)(b), but I am not satisfied all information in the document is exempt.

***Section 33(1) – Personal affairs information of a third party***

44. The Agency also relies on section 33(1) to refuse access to the Report in full.
45. For completeness, I have further considered the application of section 33(1) to the information I have determined is not exempt under section 33(1).
46. 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**);<sup>8</sup> and
  - (b) such disclosure would be 'unreasonable'.

---

<sup>8</sup> Sections 33(1) and 33(2).

*Does the document contain personal affairs information of third parties?*

47. Information relating to the 'personal affairs' of another person includes information that identifies any person or discloses their addresses or location. It also includes and information from which such information may be reasonably determined.<sup>9</sup>
48. A document will disclose a third party's personal affairs information if it is capable, either directly or indirectly, of identifying that person. As the nature of disclosure under the FOI Act is unrestricted and unconditional, this is to be interpreted by reference to the capacity of any member of the public to identify a third party.<sup>10</sup>
49. A third party's opinion or observations about another person's conduct can constitute information related to a third party's personal affairs.<sup>11</sup>
50. The Applicant does not seek access to certain personal affairs information, such as an individual's name or position title. However, the nature of personal affairs information is broader than this information. As such, where I am satisfied there is potential for the identity of an individual to be deduced from other information in the Report, this information would constitute personal affairs information for the purpose of section 33.
51. In this case, I am satisfied the information I have determined is not exempt under section 35(1)(b), as discussed above, does not relate to the 'personal affairs' of another person as it does not identify any person or disclose their address or location, and is not information from which such information may be reasonably determined.
52. In any case, I will further consider whether disclosure of any personal affairs information in the document would be unreasonable.

*Would disclosure of the personal affairs information be unreasonable?*

53. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the interest in protecting a third party's personal privacy in the particular circumstances.
54. Whether the disclosure of a third party's personal affairs information would be unreasonable may not be apparent from a document. Rather, it needs to be considered in the context of other information already known to an applicant or publicly available, and when considered in totality, would involve the unreasonable disclosure of a third party's personal affairs information.<sup>12</sup>
55. In *Victoria Police v Marke*,<sup>13</sup> the Victorian Court of Appeal held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others'. Further, 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'.<sup>14</sup> The Court further held, '[t]he protection of privacy, which lies at the heart of [section] 33(1), is an

---

<sup>9</sup> Section 33(9).

<sup>10</sup> *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].

<sup>11</sup> *Richardson v Business Licensing Authority* [2003] VCAT 1053, cited in *Davis v Victoria Police (General)* [2008] VCAT 1343 at [43], *Pritchard v Victoria Police (General)* [2008] VCAT 913 at [24], *Mrs R v Ballarat Health Services (General)* [2007] VCAT 2397 at [13].

<sup>12</sup> [2008] VSCA 218 at [94].

<sup>13</sup> [2008] VSCA 218 at [76].

<sup>14</sup> *Ibid.*

important right that the FOI Act properly protects. However, an individual's privacy can be invaded by a lesser or greater degree'.<sup>15</sup>

56. In determining whether disclosure of personal affairs information in the Report would be unreasonable, I have considered the following factors:
- (a) the nature of the personal affairs information and the circumstances in which it was obtained;
  - (b) the Applicant's interest in the information;
  - (c) whether any public interest would be promoted by release of the personal affairs information;
  - (d) whether the individuals to whom the personal affairs information relates object or would be likely to object to the release of their personal affairs information; and
  - (e) whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person.<sup>16</sup>

*The nature of the personal affairs information and the circumstances in which it was obtained*

57. The review conducted by the external consultant relied on the voluntary provision of free and fulsome information from Agency officers within a regional area. In this case, I accept the participants provided their personal affairs information to the consultant on the basis they would not be named or identified in the Report, and the specific nature of the information they provided would be held in confidence due to its sensitive nature concerning a review of workplace health and wellbeing.
58. I further acknowledge the Agency's submissions and accept that parts of the Report contain individual observations or opinions, often reinforced or demonstrated by a quote provided by a participant, which means the information is sensitive in nature given its content and the context in which it was provided.

*Whether the individuals to whom the personal affairs information relates object or would be likely to object to the release of their personal affairs information*

59. There is no information before me about the views of participants concerning the release of their personal affairs information in the Report. I accept consultation with the participants as to their views on disclosure is not practicable given the passage of time no particular individual is named in the Report. In any case, I consider most participants would be reasonably likely to object to the disclosure of their personal affairs information in the Report.

*Whether any public interest would be promoted by release of the personal affairs information*

60. As discussed above in relation to section 35(1)(b), there is a strong public interest in Agency officers being sufficiently comfortable and confident to voluntarily participate in a sensitive workplace review. I am satisfied disclosure of the Report in full would undermine the confidentiality of participants and their confidence in the conduct and integrity of similar future reviews.

---

<sup>15</sup> Ibid at [79].

<sup>16</sup> Section 33(2A).



### *The Applicant's interest in the information*

61. While I acknowledge the Applicant's interest in obtaining access to the Report, I do not consider their personal interest overrides the important public interest in the Agency being able to conduct comprehensive and confidential workplace reviews. However, this public interest also needs to be balanced with the public interest in ensuring transparency into the Agency's ability to fulfil its statutory obligations to provide a safe and fair workplace.

### *Whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person*

62. Consideration of this factor is required under section 33(2A) when determining whether a third party's personal affairs information should be disclosed to an applicant. In this case, there is no information before me to suggest this is a relevant factor.
63. Having considered the above factors, on balance, further to my decision under section 35(1)(b), I am satisfied the disclosure of any personal affairs information in the Report would be unreasonable in the circumstances due to the content and context of the Report into a sensitive workplace matter and the public interest in the Agency being able to ensure the confidentiality of participants and their confidence in the conduct and integrity of similar future reviews.
64. However, I am not satisfied certain information in the Report is exempt under section 33(1) where it represents the general or collective opinion and observations of participants as such information does not relate to constitute information relating to the 'personal affairs' of another person for the purposes of section 33(1).

### **Section 25 – Deletion of exempt or irrelevant information**

65. Section 25 requires an agency to grant access to an edited copy of a document where it is to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
66. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'<sup>17</sup> and the effectiveness of the deletions. Where deletions would render a document meaningless, they are not 'practicable', and release of a document is not required under section 25.<sup>18</sup>
67. As the Applicant does not seek access to the personal affairs information of any third party in the Report, such as a person's name or position title, this information is irrelevant information for the purposes of section 25.
68. I have also considered the information the Agency deleted from the Report on grounds it is irrelevant information. I am satisfied the information at the end of the Report is irrelevant information given it does not form part of the Report or falls within the remaining points in the Applicant's FOI request.
69. I have considered whether it is practicable to provide the Applicant with an edited copy of the Report with exempt and irrelevant information deleted in accordance with section 25. I am satisfied it is practicable to do so as it would not require substantial time and effort, and the edited document would retain meaning.

---

<sup>17</sup> *Mickelborough 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].

<sup>18</sup> *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].

## **Conclusion**

70. While I am satisfied certain information in the Report is exempt from release under sections 33(1) and 35(1)(b), I have decided to release information where I am satisfied it is not exempt from release, namely information other than:
- (a) information in the Report that could be used either on its face or with other information to identify a particular individual or source of confidential information;
  - (b) information provided by a participant to the external consultant quoted in the Report and could be used to identify the source of the information; and
  - (c) any third party's personal affairs information in the Report.
71. As I am satisfied it is practicable to provide the Applicant with an edited copy of the Report with irrelevant and exempt information deleted in accordance with section 25, access is granted in part.
72. A marked-up copy of the Report showing the additional information to be released and exempt and irrelevant information has been provided to the Agency with this decision.

## **Review rights**

73. 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.<sup>19</sup>
74. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>20</sup>
75. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>21</sup>
76. Information about how to apply to VCAT is available online at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au). Alternatively, VCAT may be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.
77. 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.<sup>22</sup>

## **Third party review rights**

78. As I have determined to release information the Agency exempted from release under sections 33(1) and 35(1)(b), if practicable, I am required to notify any relevant third party of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.<sup>23</sup>
79. In this case, I am satisfied it is not practicable to notify any relevant third party as are they are not directly identifiable from the information to be released in the Report and due to the passage of time since the Report was created.

---

<sup>19</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>20</sup> Section 52(5).

<sup>21</sup> Section 52(9).

<sup>22</sup> Sections 50(3F) and 50(3FA).

<sup>23</sup> Sections 49P(5), 50(3), 50(3AB) and 52(3).

***When this decision takes effect***

80. My decision does not take effect until the Agency's 14 day review period expires.
81. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[Date]	Workplace Health and Well Being assessment [location] (the Report)	39	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 25  A marked-up copy of the Report showing the information to be released and exempt and irrelevant information to be deleted has been provided to the Agency with this decision.	<b>Section 33(1):</b> I am satisfied disclosure of certain personal affairs information in the Report would not be unreasonable for the reasons set out in the Notice of Decision above. Accordingly, the relevant information is not exempt from release under section 33(1).  <b>Section 35(1)(b):</b> I am satisfied certain information in the Report is not exempt from release under section 35(1)(b) for the reasons set out in the Notice of Decision above.  <b>Section 25:</b> I am satisfied it is practicable to provide the Applicant with an edited copy of the Report with exempt and irrelevant information deleted in accordance with section 25.
2.	[Date]	Summary Document [description of] Shifts	1	<b>Released in full</b> Section 19	<b>Not subject to review</b>	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
3.	undated	FW Investigation - [location].VMBX	4	Released in full	Not subject to review	During the review, the Agency located additional documents and advised the documents can be released to the Applicant in full outside the FOI Act. Accordingly, this document is not subject to review.
4.	undated	FW Investigation – [location].VMBX	3	Released in full	Not subject to review	See comments for Document 3.
5.	undated	RE Investigation - [location].VMBX	4	Released in full	Not subject to review	See comments for Document 3.
6.	undated	Workplace Assessment recommendations.VMBX	6	Released in full	Not subject to review	See comments for Document 3.
7.	undated	RE Investigation - [location].VMBX	3	Released in full	Not subject to review	See comments for Document 3.