

## Notice of Decision and Reasons for Decision

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Applicant:	'ER8'
Agency:	Victoria Police
Decision date:	27 July 2022
Exemptions considered:	Sections 30(1), 31(1)(d), 33(1), 35(1)(b)
Citation:	'ER8' and Victoria Police (Freedom of Information) [2022] VICmr 190 (27 July 2022)

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FREEDOM OF INFORMATION – police records – legal proceedings – LEAP report – eDPR report – welfare check – police member notes – internal working documents – information communicated in confidence – disclosure contrary to public interest – personal affairs information – disclosure unreasonable

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 in relation to the Applicant's FOI request differs from the Agency's decision.

I am satisfied information in the documents is exempt from release under sections 30(1), 33(1) and 35(1)(b). However, while the Agency determined certain information is irrelevant to the terms of the Applicant's request, I consider it is relevant information, but it is exempt from release under section 31(1)(d).

Where it is practicable to provide Applicant with an edited copy of a document with irrelevant and exempt information deleted in accordance with section 25, access is granted in part. Where it is not practicable to do so, access is refused in full.

The effect of my decision is that no further information is to be released to the Applicant.

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  
27 July 2022

## Reasons for Decision

### Background to review

1. [The Applicant made a request to the Agency for certain documents relating to a welfare check undertaken at the Applicant's home.]
2. The Agency identified five documents falling within the terms of the Applicant's request and refused access to four documents in part and one document in full under sections 30(1), 33(1) and 35(1)(b). 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. The Applicant does not seek review of information the Agency determined is irrelevant to the terms where it does not relate to the Applicant's family members.
5. I have examined a copy of the documents subject to review.
6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
7. I have considered all communications and submissions received from the parties.
8. 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.
9. 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.
10. In conducting a review under section 49F, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.<sup>1</sup> This involves ensuring my decision is correctly made under the FOI Act and any other applicable law in force at the time of my decision.

### Applicant's concerns regarding adequacy of document searches

11. During the review, the Applicant raised concerns about the adequacy of the Agency's document searches as they believed additional documents should have been identified in response to their request.
12. In accordance with section 61B(3), the Applicant's concerns were addressed as part of my review.
13. OVIC staff made enquiries with the Agency in relation to the document searches, including specific documents the Applicant believed should have been identified in response to their FOI request.
14. Having considered the terms of the Applicant's request and information provided by the Agency, there is no information before me to suggest the Agency conducted its document searches in a

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

manner that would limit the discovery of relevant documents captured by the terms of the FOI Request.

15. Accordingly, I am satisfied the Applicant's concerns have been fully pursued and there are no grounds for making further inquiries with the Agency in relation to the concerns raised or the taking of further action.

## **Review of exemptions**

### ***Section 30(1) – Internal working documents***

16. Section 30(1) has three requirements:

- (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister;
- (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
- (c) disclosure of the matter would be contrary to the public interest.

17. The exemption does not apply to purely factual material in a document.<sup>2</sup>

*Do the documents disclose matter in the nature of opinion, advice or recommendation prepared by an officer or in consultation or deliberation that has taken place between officers?*

18. The Agency refused access to information in Document 1, which is a LEAP Incident report and case progress notes, under section 30(1).

19. I am satisfied the document contains matter in the nature of opinion prepared by Agency officers.

*Was the information made in the course of, or for the purpose of, the deliberative processes involved in the functions of the Agency?*

20. The term 'deliberative process' is interpreted widely and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.<sup>3</sup>

21. In *Re Waterford and Department of Treasury (No.2)*,<sup>4</sup> former Victorian Administrative Appeals Tribunal held:

... "deliberative processes" [is] wide enough to include any of the processes of deliberation or consideration involved in the functions of an agency... In short, ...its thinking processes — the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

22. Having reviewed the documents subject to review and the information before me, I am satisfied the information was recorded by Agency officers in the course of the Agency's deliberative processes in responding to personal safety concerns. In doing so, I acknowledge the [Applicant's concerns].

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<sup>2</sup> Section 30(3).

<sup>3</sup> *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

<sup>4</sup> [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

*Would disclosure of the documents be contrary to public interest?*

23. In determining if disclosure of a document would be contrary to the public interest, I must consider all relevant facts and circumstances, remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information. This requires a ‘process of the weighing against each other conflicting merits and demerits’.<sup>5</sup>
24. In doing so, I have given weight to the following relevant factors:<sup>6</sup>
- (a) the right of every person to gain access to documents under the FOI Act;
  - (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents; and
  - (c) the public interest in the community being better informed about the way in which the Agency carries out its functions, including its deliberative, consultative and decision making processes and whether the underlying issues require greater public scrutiny.
25. The information to which the Agency refused access is an Agency officer’s classification of the [redacted] incident that is the subject of the report.
26. I note certain factors that contributed to the classification of incident were disclosed to the Applicant in Document 3. I am satisfied this information informs the Applicant about the factors considered by the Agency in its assessment of the incident without the need to disclose the actual classification.
27. On the face of the document, this aspect of the incident classification process is intended for internal communication between Agency officers in connection with carrying out their law enforcement functions, including responding to [redacted] matters. I accept that information concerning police involvement in a [redacted] incident is highly sensitive in nature.
28. I am satisfied there is a strong public interest in police officers being able to clearly and succinctly record and communicate information they acquire in the course of carrying out their law enforcement functions and the classification of [incidents]. I accept this classification process is designed to support the safety and welfare of [redacted], and promote the effectiveness of the Agency’s response to [type of] incidents.
29. Accordingly, I am satisfied the information in Document 1 to which the Agency refused access under section 30(1) is exempt from release under section 30(1).
30. My decision regarding section 30(1) is set out in the Schedule of Documents at **Annexure 1**.

***Section 33(1) – Documents affecting the personal privacy of a third party***

31. 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>7</sup> and
  - (b) such disclosure would be ‘unreasonable’.

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<sup>5</sup> *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

<sup>6</sup> *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

<sup>7</sup> Sections 33(1) and 33(2).

32. The Applicant submits information relating to their family members should be released due to its close connection to their own personal affairs information.

*Do the documents contain personal affairs information of third parties?*

33. Information relating to a person's 'personal affairs' includes information that identifies any person or discloses their address or location. It also includes any information from which such information may be reasonably determined.<sup>8</sup>
34. 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 FOI Act does not place any restrictions on an applicant's use or dissemination of documents obtained under FOI, this is to be interpreted by reference to the capacity of any member of the public to identify a third party.<sup>9</sup>
35. The documents contain the names, date of birth, contact details, communications and other information regarding third parties and was obtained by police officers as part of an investigation. I am satisfied the relevant information constitutes the personal affairs information of third parties, including Agency officers.
36. I acknowledge the Applicant's submission their personal affairs information is intertwined with the personal affairs information of third parties.

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

37. 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.
38. In *Victoria Police v Marke*,<sup>10</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>11</sup> The Court further held, '[t]he protection of privacy, which lies at the heart of section 33(1), is an important right that the FOI Act properly protects. However, an individual's privacy can be invaded by a lesser or greater degree'.<sup>12</sup>
39. In determining whether disclosure of personal affairs information would be unreasonable in the circumstances, I have considered the following factors:

(a) The nature of the personal affairs information and the circumstances in which it was obtained

The personal affairs information is highly sensitive in nature as it concerns allegations of [redacted] and police attendance at the Applicant's home.

The documents record the attendance by police at the Applicant's home and summarises information obtained by police officers from third parties in the course of carrying out their law enforcement and related functions.

I acknowledge the Applicant is aware of the circumstances around the creation of the documents and may know the identities of certain third parties. However, even where an

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<sup>8</sup> Section 33(9).

<sup>9</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>10</sup> [2008] VSCA 218 at [76].

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid* at [79].

applicant claims to know the identity of a third party, disclosure of their personal affairs information under the FOI Act may still be unreasonable in the circumstances.<sup>13</sup>

(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 under section 33(1).<sup>14</sup>

I have considered information provided by the Applicant in support of their review application, including their submissions and reasons for seeking access to the documents in full.

The Applicant seeks access to the documents in full to understand the Agency's process taken in response to the [redacted] matter, to verify the accuracy of any information provided by third parties, and to assist the Applicant in understanding court proceedings that were commenced by the Agency against the Applicant.

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

On the information before me, I consider the Applicant's interest in the documents is personal in nature only.

Given the context and purpose for which the documents were created, I consider there is a strong public interest in protecting the personal privacy of affected third parties where documents concern allegations of [redacted] and the ability of the Agency to obtain and record information from third parties in relation to [redacted] incidents.

While I acknowledge the Applicant disputes the allegations of [redacted] and seeks to respond to the [redacted] court proceedings commenced against them, I consider the public interest weighs in favour of maintaining the Agency's investigation and law enforcement processes.

(d) The likelihood of disclosure of information, if released

The nature of disclosure under the FOI Act is unconditional and unrestricted, which means an applicant is free to disseminate widely or use a document as they choose once it is released.<sup>15</sup>

Accordingly, I have considered the likelihood of the personal affairs information in the documents being further disseminated, if disclosed, and the effects broader disclosure of this information would have on the privacy of third parties.

On the information before me, it appears the Applicant intends to provide any documents obtained to a legal practitioner to seek advice on the [redacted] court proceedings, and to engage further with the Agency to request an amendment of the information.

As noted above, I consider disclosure of the documents would impact the privacy of third parties.

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

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<sup>13</sup> *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

<sup>14</sup> *Victoria Police v Marke* [2008] VSCA 218 at [104].

<sup>15</sup> *Ibid* at [68].

In determining whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person an FOI request has been received for documents containing their personal information and seek their view as to whether disclosure of the document should occur.<sup>16</sup> However, this obligation does not arise in certain circumstances, including where it not practicable to do so.<sup>17</sup>

There is no information before me concerning the views of the third parties in relation to the disclosure of their personal affairs information. Having considered the content and context of the documents, I am satisfied the relevant third parties would be reasonably likely to object to the disclosure of their personal affairs information under the FOI Act.

(f) Whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person<sup>18</sup>

In determining whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I am required to consider whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person.<sup>19</sup>

Given the circumstances that gave rise to the Applicant's request, I am unable to discount the possibility that disclosure of the documents under the FOI Act would be reasonably likely to endanger the life or physical safety of any person.

(g) Whether the disclosure would increase the risk to a primary person's safety from family violence<sup>20</sup>

In determining whether disclosure of information relating to the personal affairs of any person in a document would be unreasonable, section 33(2AB) requires if:

- (a) the request is made to an agency that is an information sharing entity or an authorised Hub entity, or to a Minister for access to an official document of an agency that is an information sharing entity or an authorised Hub entity; and
- (b) the document contains information relating to the personal affairs of the person making the request; and
- (c) the person making the request is a person of concern, or a person who is alleged to pose a risk of committing family violence—

in deciding whether the disclosure would involve the unreasonable disclosure of information relating to the personal affairs of any person, the agency or Minister must also take into account whether the disclosure would increase the risk to a primary person's safety from family violence.

Accordingly, I must consider whether disclosure of information relating to the personal affairs of any person would increase the risk to a 'primary person's' safety<sup>21</sup> from family violence.

I am satisfied the Agency is an 'information sharing entity' for the purpose of section 33(2AB).

Given the circumstances that gave rise to the Applicant's request, I am unable to discount the possibility that disclosure of the documents under the FOI Act would increase the risk to a

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

<sup>17</sup> Section 33(2C).

<sup>18</sup> Section 33(2A).

<sup>19</sup> Section 33(2A).

<sup>20</sup> Section 33(2AB).

<sup>21</sup> Section 33(9) provides 'primary person' has the meaning given in section 144E of the *Family Violence Protection Act 2008* (Vic). Section 144E of the *Family Violence Protection Act 2008* (Vic) provides that 'a person is a *primary person* if an information sharing entity reasonably believes that the person may be subjected to family violence'.

primary person's safety from family violence.

40. Having weighed up the above factors, I am satisfied disclosure of the personal affairs information of third parties to which the Agency refused access, would be unreasonable and is exempt from release under section 33(1).
41. My decision regarding section 33(1) is set out in the Schedule of Documents at **Annexure 1**.

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

42. The Agency refused access to certain information in Documents 1, 2, 4 and 5 under section 35(1)(b).
43. A document is exempt under section 35(1)(b) if two conditions are satisfied:
  - (a) 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) 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 obtained in confidence?*

44. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.<sup>22</sup>
45. In doing so, it is necessary to consider the position from the perspective of the communicator, noting confidentiality can be expressed or implied from the circumstances of a matter.<sup>23</sup>
46. There is no information before me concerning the view of the third parties who provided information to the Agency. In the circumstances of this matter, I am satisfied the third parties provided information to the Agency in circumstances in which confidentiality can reasonably be implied. I accept, when people provide statements to the police, they do so with an expectation that the information will only be used for the purpose of the Agency's investigation and any related proceedings.

*Would disclosure of the information be contrary to the public interest?*

47. Section 35(1)(b) requires I also consider whether the Agency would be impaired from obtaining similar information in the future if the information were to be disclosed under the FOI Act. This involves considering whether others in the position of the communicator would be reasonably likely to be inhibited or deterred from providing similar information to the Agency in the future should the information be disclosed.
48. The public interest test in section 35(1)(b) is narrow, in that it is directed toward the impact release would have on the Agency's ability to obtain the same type of information in the future. The exemption will not be made out if an agency's impairment goes no further than showing potential communicators of the information may be less candid than they would otherwise have been.<sup>24</sup>
49. The information exempted by the Agency under 35(1)(b) was obtained from third parties during its response to allegations of [redacted].

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<sup>22</sup> *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

<sup>23</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [265].

<sup>24</sup> *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549 at [69], approving *Birnbauer v Inner and Eastern Health Care Network* [1999] 16 VAR 9.



50. In these circumstances, I consider persons providing information to police officers would reasonably have an expectation of confidentiality given the sensitive nature of [redacted] allegations.
51. There is a strong public interest in the Agency maintaining its ability to obtain information from persons affected by [redacted] and members of the public on a voluntarily and confidential basis. If information of this nature were to be routinely released under the FOI Act, I am satisfied third parties would be less likely to provide such information to the Agency.
52. Having carefully considered the circumstances of this matter and the nature of the requested information, I am satisfied disclosure of the requested information under the FOI Act would be reasonably likely to impair the ability of the Agency to obtain similar information in the future. Further, this would have a detrimental impact on the ability and effectiveness of the Agency to respond to [redacted] allegations, which is an important aspect of its law enforcement functions.
53. As such, I am satisfied disclosure of the requested information would be contrary to the public interest, and is exempt from release under section 35(1)(b).
54. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 35(1)(b).

***Section 31(1)(d) – Disclosure of documents that would disclose methods for preventing, detecting, investigating breaches of the law***

55. Section 31(1)(d) provides a document is exempt if its disclosure would, or would be reasonably likely to, 'disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures'.
56. The exemptions in section 31(1) do not apply to widespread and well known methods and procedures.<sup>25</sup>
57. Although the Agency did not apply section 31(1)(d), I consider this exemption applies to certain information in Document 5.
58. I am satisfied the document contains information that discloses a specific procedure employed by Agency officers when responding to requests for police assistance and relevant police investigations. I am constrained in providing any further description as to do so would disclose exempt information.
59. I have considered the likely effect of disclosing the information, noting disclosure under the FOI Act provides for the unrestricted and unconditional release of the information. I am satisfied disclosure of the relevant information would be reasonably likely to undermine the effectiveness of police methods and procedures for carrying out investigations and the Agency's law enforcement functions.
60. Section 31(2) outlines the circumstances in which the exemption under section 31(1) does not apply when there is a public interest to grant access to the document. However, in the particular circumstances of this matter, I am not satisfied any of the exceptions set out in section 31(2) apply.
61. Accordingly, I am satisfied certain information in Document 5 is exempt from release under 31(1)(d).
62. My decision in relation to section 31(1)(d) is outlined in the Schedule of Documents in **Annexure 1**.

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

63. 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.

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<sup>25</sup> XYZ v Victoria Police [2010] VCAT 255 at [177].

64. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'<sup>26</sup> and the effectiveness of the deletions. Where deletions would render a document meaningless, they are not 'practicable' and release of the document is not required under section 25.<sup>27</sup>
65. I have considered the information the Agency deleted from the documents as irrelevant. I agree most information falls outside the scope of the Applicant's request as it records Agency activities that are unrelated to the Applicant's FOI request. I am also satisfied the 'User ID' of the Agency officer who generated documents for the purposes of the FOI request is irrelevant information for the purposes of the Applicant's FOI request and has no relevance to the subject matter of the Applicant's request.
66. However, there is information in Document 5 that is relevant to the Applicant's FOI request. Accordingly, I have considered whether an exemption applies to that information.
67. Further, I have considered the effect of deleting irrelevant and exempt information from the documents. In my view, it is practicable for the Agency to delete the irrelevant or exempt information from some of the documents, because it would not require substantial time and effort, and the edited documents would retain meaning. However, I am not satisfied it would be practicable for the Agency to delete exempt and irrelevant information from Document 4, as it would render the document meaningless.
68. My decision in relation to section 25 is outlined in the Schedule of Documents in **Annexure 1**.

### **Conclusion**

69. On the information before me, I am satisfied information in the documents is exempt from release under sections 30(1), 31(1)(d), 33(1) and 35(1)(b).
70. Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with irrelevant and exempt information deleted in accordance with section 25, access is granted in part. Where it is not practicable to do so, access is refused in full.
71. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

### **Review rights**

72. 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>28</sup>
73. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>29</sup>
74. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>30</sup>
75. 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.

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<sup>26</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>27</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].

<sup>28</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>29</sup> Section 52(5).

<sup>30</sup> Section 52(9).

76. 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>31</sup>

***When this decision takes effect***

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

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<sup>31</sup> Sections 50(3F) and 50(3FA).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	LEAP incident report	3	Released in part  Sections 30(1), 33(1), 35(1)(b)	Release in part  Sections 30(1), 33(1), 35(1)(b), 25  My decision is the same as the Agency's decision.	<p><b>Section 30(1):</b> I am satisfied the document contains matter in the nature of opinion recorded by an Agency officer, and its disclosure would be contrary to the public interest for the reasons outlined in the Notice of Decision above.</p> <p><b>Section 33(1):</b> I am satisfied the document contains personal affairs information of third parties that would be unreasonable to disclose in the circumstances for the reasons outlined in the Notice of decision above.</p> <p><b>Section 35(1)(b):</b> I am satisfied the document contains information provided in confidence to the Agency and its disclosure would be contrary to the public interest as it would inhibit the ability of the Agency to obtain similar information in the future.</p> <p><b>Section 25:</b> I am satisfied the 'User ID' is irrelevant information and it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant information deleted in</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						accordance with section 25.
2.	[date]	Police member notes	2	Released in part  Sections 33(1), 35(1)(b)	Release in part  Sections 33(1), 35(1)(b), 25  My decision is the same as the Agency's decision.	Sections 33(1) and 35(1)(b): See comments for Document 1.  Section 25: 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.
3.	[date]	[redacted] Risk Assessment & Referral – (third party)	5	Released in part  Sections 33(1), 35(1)(b)	Release in part  Sections 33(1), 35(1)(b), 25  My decision is the same as the Agency's decision.	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
4.	[date]	[redacted] Risk Assessment & Referral (third party)	6	Refused in full  Section 33(1)	Refused in full  Section 33(1)	Section 33(1): See comments for Document 1.  Section 25: I am satisfied it is not practicable to provide the Applicant with an edited copy of the document with exempt information deleted in accordance with section 25 as it would render the document meaningless.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Accordingly, access to the document is refused in full.
5.	[date]	Electronic Patrol Duty Return (ePDR)	15	Released in part  Sections 33(1), 35(1)(b)	Released in part  Sections 31(1)(d), 33(1), 35(1)(b), 25  The document is to be released except for the following information which is to be deleted in accordance with section 25: <ul style="list-style-type: none"> <li>• the redactions made by the Agency on pages 1-5, which is irrelevant information;</li> <li>• the redactions made by the Agency in the first entry of page 6 under sections 33(1) and 35(1)(b), which are exempt from release;</li> <li>• the redactions made by the Agency in the first entry of page 6 as irrelevant information, which is exempt from</li> </ul>	Sections 33(1) and 35(1)(b): See comments for Document 1.  Section 31(1)(d): Although the Agency does not rely on section 31(1)(d), I am satisfied certain information the Agency determined is irrelevant to the terms of the Applicant's request falls within the scope of the request. However, I am satisfied this information is exempt from release under section 31(1)(d) for the reasons outlined in the Notice of Decision above.  Section 25: See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>release under section 31(1)(d);</p> <ul style="list-style-type: none"> <li>• the redactions made by the Agency on the final two entries of page 6, which is irrelevant information;</li> <li>• the user ID on page 6, which is irrelevant information;</li> <li>• the redactions made by the Agency on pages 7-15, which is irrelevant information; and</li> <li>• the redactions made by the Agency on page 8, which are exempt from release under section 33(1).</li> </ul>	