

Notice of Decision and Reasons for Decision

Applicant:	'EH6'
Agency:	Labour Hire Authority
Decision date:	17 February 2022
Exemptions and provision considered:	Sections 32(1), 33(1), 34(1)(b), 36(1)(b), 25
Citation:	'EH6' and Labour Hire Authority (Freedom of Information) [2022] VICmr 97 (17 February 2022)

FREEDOM OF INFORMATION – workplace relations documents – workplace investigation – independent investigator – personal affairs information – legal professional privilege

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 documents requested by the Applicant under the FOI Act.

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

I am satisfied certain information is exempt from release under section 33(1).

However, I am not satisfied other information is exempt from release under sections 32(1), 33(1), 34(1)(b) and 36(1)(b).

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.

My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner
17 February 2022

Reasons for Decision

1. The Applicant made a request to the Agency seeking access to various documents concerning a workplace investigation concerning allegations made against them.
2. On [date], the Agency wrote to the Applicant seeking clarification of the terms of the request as it considered item 2 of the request did not provide sufficient information for the Agency to identify the documents sought. On [date], the Applicant clarified the terms their request.
3. On [date], the Agency provided the Applicant with a copy of the investigation report sought under item 2 outside the FOI Act.
4. On [date], the Agency wrote to the Applicant in accordance with section 25A(6), notifying of its intention to refuse to grant access to documents in accordance with the request under section 25A(1) on grounds the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations. The Applicant was invited to consult with the Agency with a view to narrow the scope of the request to remove the proposed grounds for refusal.
5. On [date], the Applicant declined to narrow the scope of their request.
6. By letter dated [date], the Agency advised the Applicant of its decision to refuse to grant access to documents in accordance with the request under section 25A(1), as it considered the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations.

Review application

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

Preliminary view provided to Agency

8. During the review, the Agency submitted the review could not proceed due to a [description of document] signed by the Agency and Applicant.
9. On [date], the Agency was advised by OVIC staff the [description of document] does not prevent the Applicant from making a review application to the Information Commissioner in relation to the Agency's FOI decision. The Agency was also provided with a preliminary view the requirements for section 25A(1) were not met and invited to provide further information to support its decision or make a fresh decision.

Fresh decision made by Agency

10. Section 49M(1) permits an agency to make a fresh decision on an FOI request during a review.
11. Following consultation between the Agency and OVIC staff, the Agency notified OVIC and the Applicant of its intention to make a fresh decision in relation to the Applicant's FOI request.
12. On [date], the Agency made its fresh decision in which it identified 17 documents falling within the terms of the Applicant's request to which it refused access in part, relying on sections 30(1), 32(1), 33(1) and 36(1)(b). The Agency's fresh decision letter sets out the reasons for its decision.
13. The Applicant did not agree with the Agency's fresh decision and, as required by section 49MA(2), I have conducted a review on the basis of the fresh decision.
14. 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.

15. 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 33(1) – Personal affairs information of a third party

16. 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 (**third party**); and
 - (b) such disclosure would be 'unreasonable' in the circumstances.

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

17. Information relating to the 'personal affairs' of a person 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.¹
18. 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.²
19. The documents contain names, email addresses, telephone numbers, position titles and signatures of third parties. I am satisfied this information constitutes the personal affairs information of third parties for the purpose of section 33.
20. However, I am not satisfied the Agency's website address and a third party's business website address constitutes personal affairs information for the purposes of section 33. I am also not satisfied a third party's business banking details constitutes personal affairs information. Rather, this information concerns the information of a company, and not an individual.
21. Accordingly, this information is not exempt under section 33(1).

¹ Section 33(9).

² *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].

Would the release of the personal affairs information of a third party be unreasonable in the circumstances?

22. Determining whether disclosure of a document would be unreasonable involves balancing the public interest in the disclosure of official information held by a government agency with the interest in protecting an individual's personal privacy in the circumstances.³
23. The disclosure of a document under the FOI Act is unconditional and unrestricted, which means an applicant is free to disseminate widely or use a document as they choose.⁴
24. The proper application of section 33(1) involves consideration of 'all matters relevant, logical and probative to the existence of conditions upon which the section is made to depend'.⁵
25. Whether or not an agency officer's personal affairs information is exempt under section 33(1) must be considered in the context of the particular circumstances of each matter.⁶
26. In determining whether disclosure of personal affairs information would be unreasonable in this matter, I have given weight to the following factors:⁷
 - (a) the nature of the personal affairs information;
 - (b) the circumstances in which information was obtained by the Agency;
 - (c) the Applicant's interest in the information and whether their purpose for seeking the information is likely to be achieved;
 - (d) whether any public interest would be promoted by the release of the information;
 - (e) whether any individuals to whom the information relates object, or would be likely to object to the release of the information;
 - (f) the likelihood of further disclosure of the information if released; and
 - (g) whether disclosure of the information or would be reasonably likely to endanger the life or physical safety of any person.
27. The Agency determined it was not practicable to consult with third parties in relation to their views on disclosure of their personal affairs information. Having considered the circumstances in which the Agency obtained the information, I am satisfied certain third parties would be reasonably likely to object to disclosure of their personal affairs information.
28. In this case, I acknowledge the Applicant is reasonably likely to be aware of the identity of certain third parties whose personal affairs information appears in the documents. However, even in circumstances where a person named in a document is known to an applicant, it may still be unreasonable to release such information under the FOI Act.⁸
29. The nature of the personal affairs information is the names, position titles and contact details of various individuals employed by the Agency and an external organisation. The information was acquired by the Agency in the course of Agency officers' usual work duties and responsibilities in carrying out the Agency's functions. Other third parties' personal affairs information was acquired as part of those individuals' relevant work duties and responsibilities in their respective organisation.

³ *Re Page v Metropolitan Transit Authority* (1988) 2 VAR 243 at 245-6.

⁴ *Victoria Police v Marke* [2008] VSCA 218 at [68].

⁵ [2008] VSCA 218 at [104].

⁶ *Coulson v Department of Premier and Cabinet (Review and Regulation)* [2018] VCAT 229.

⁷ *Ibid.*

⁸ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

As such, I consider personal affairs information in the documents concerns these individuals' professional roles rather than their personal or private lives. However, I consider the personal affairs information was obtained by the Agency in a sensitive context, being a workplace investigation involving the Applicant.

30. With respect to workplace investigations, where an individual is actively involved in an investigation as part of their regular work duties, I am not satisfied it would be unreasonable to release their name and position title, except where they had a peripheral role in the investigation.
31. Where a third party's contact information is publicly available and relates to their professional role within a public sector organisation, I am not satisfied such information would be unreasonable to release in the absence of exceptional circumstances.
32. I am not satisfied it would be unreasonable to release certain third parties' personal affairs information where the Agency has released the same information in other documents.
33. However, I am satisfied it would be unreasonable to release the contact details and signatures parties, where the information is not publicly available and has not been released to the Applicant in other documents. I consider the disclosure of this information could potentially lead to an unreasonable intrusion into those individuals' personal lives.
34. I am also required under section 33(2A) to consider whether disclosure of the personal affairs information would, or would be reasonably likely, to endanger the life or physical safety of any person. The term 'any person' is broad and extends to any relevant endangerment involving the safety of an applicant, a related third party or any other person. However, I do not consider this to be a relevant factor.
35. My decision in relation to section 33(1) is outlined in the Schedule of Documents in **Annexure 1**.

Section 32(1) – Documents subject to legal privilege

36. Section 32(1) provides a document is an exempt document 'if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege'.
37. A document will be subject to legal professional privilege and exempt under section 32(1) where it contains a confidential communication:⁹
 - (a) between the client (or the client's 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 the client's agent) and third parties 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
38. The High Court of Australia has held the purpose of legal professional privilege or client privilege ensures a client can openly and candidly discuss legal matters with their legal representative and seek legal advice:

⁹ *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).

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 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.¹⁰

39. The dominant purpose for which a confidential communication was made will determine whether the exemption applies.¹¹ Where mixed purposes exist, the paramount purpose of the communication is used.¹²
40. A document may also be privileged in part. As such, the fact a document contains non-privileged material does not mean the document, in its entirety, ceases to be privileged.¹³ In this respect, the High Court of Australia has held:

If a communication satisfies the description of a document brought into existence for the sole purpose of enabling a confidential professional communication between a client and his legal adviser in connexion with pending or anticipated legal proceedings then in our opinion it follows that it is an exempt document within the meaning of s. 42 of the Act. In such a case it is not to the point that the document may contain advice which relates to matters of policy as well as of law. It is the connexion between the document and legal proceedings that establishes its character and thus attracts the privilege.¹⁴

41. The documents contain communications between Agency staff, an investigator engaged by the Agency, and the Applicant.
42. Having reviewed Documents 2 and 8, which the Agency exempted from release under section 32(1), I am not satisfied these documents are subject to legal professional privilege.
43. Document 2 is a communication between an Agency staff member and the Applicant, regarding an internal workplace investigation. The communication does not discuss any legal advice provided to the Agency nor does it include a request for or detail any legal advice.
44. Document 8 contains an update from an external investigator to an Agency officer regarding the workplace investigation. I am not satisfied this document contains the provision of any legal advice. Nor does it seek legal advice in relation to a specific legal issue or matter. In my view it is an internal communication that is not subject to legal privilege or exempt from release under section 32(1).
45. Accordingly, I am not satisfied the information in Documents 2 and 8 is exempt from release under section 32(1).
46. My decision in relation to section 32(1) is outlined in the Schedule of Documents in **Annexure 1**.

Section 36(1)(b) – Disclosure contrary to public interest

47. Section 36(1)(b) provides a document is an exempt document if:

... in the case of documents of a department or prescribed authority its disclosure under this Act would be contrary to the public interest by reason that it would disclose instructions issued to, or provided to for the use or guidance of, officers of an agency on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of the Crown or of an agency.

¹⁰ *Grant v Downs* (1976) 135 CLR 674 at [19].

¹¹ *Thwaites v DHS* [1998] VCAT 580 at [22]-[24].

¹² *Martin v Melbourne Health (Review and Regulation)* [2019] VCAT 1190 at [35].

¹³ *Waterford v Commonwealth* (1987) 163 CLR 54 at [66]-[67].

¹⁴ *Waterford v Commonwealth* (1987) 163 CLR 54 at [67].

48. The Agency submits the following in relation to section 36(1)(b):

Information in Document 1 that has been redacted discloses procedures to be followed in retaining and instructing an investigator in relation to personnel management.

49. Having reviewed the information exempted by the Agency under section 36(1)(b), I am not satisfied it discloses procedures to be followed in retaining and instructing an investigator in relation to personnel management. I consider the communicator provides general instructions about certain tasks that are to be completed by an Agency officer. Further, I am of the view the communicator is not clear about the procedure to be followed and seeks advice from the recipient regarding the tasks to be completed.
50. Accordingly, I am not satisfied the information exempted from release by the Agency is of the nature contemplated by this exemption; and the document is not exempt under section 36(1)(b).
51. My decision in relation to section 36(1)(b) is outlined in the Schedule of Documents in **Annexure 1**.

Section 34(1)(b) – Business, commercial or financial information of an undertaking

52. Where I am not satisfied that the banking details of a company is personal affairs information for the purposes of section 33(1), I have also considered the application of section 34(1)(b) to that information.
53. A document will be an exempt document under section 34(1)(b), if the document contains information:
- (a) acquired from a business, financial or commercial undertaking;
 - (a) that relates to matters of a business, commercial or financial nature;
 - (b) the disclosure of which, having regard to the matters listed in section 34(2), would be likely to expose the undertaking unreasonably to disadvantage.

Was the information acquired from a business, commercial or financial undertaking?

54. The phrase ‘information acquired’ in section 34(1) signifies the need for some positive handing over of information in some precise form.¹⁵
55. The phrase ‘business, commercial or financial undertaking’ generally refers to an entity, such as a company or organisation, that is engaged in business, trade, or commerce for a financial profit or gain.
56. I am satisfied the information was acquired from a business undertaking for the purposes of section 34(1)(b).

Does the information relate to matters of a business, commercial or financial matter?

57. The phrase ‘information of a business, commercial or financial nature’ is not defined in the FOI Act. Therefore, the words ‘business, commercial or financial nature’ should be given their ordinary meaning.¹⁶
58. I am satisfied the banking details of a company is information of a business, commercial and financial matter.

¹⁵ *Thwaites v Department of Human Services* (1999) 15 VAR 1.

¹⁶ *Gibson v Latrobe CC (General)* [2008] VCAT 1340 at [25].

Would disclosure of the information be likely to expose the undertaking unreasonably to disadvantage?

59. Section 34(1)(b) contemplates an undertaking may be exposed to a certain level of disadvantage. The question is whether disclosure would expose the undertaking unreasonably to disadvantage.

60. In determining whether a document is exempt under section 34(1), section 34(2) provides:

In deciding whether disclosure of information would expose an undertaking unreasonably to disadvantage, for the purposes of paragraph (b) of subsection (1), an agency or Minister may take account of any of the following considerations—

- (a) whether the information is generally available to competitors of the undertaking;
- (b) whether the information would be exempt matter if it were generated by an agency or a Minister;
- (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking; and
- (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls—

and of any other consideration or considerations which in the opinion of the agency or Minister is or are relevant.

61. I have also had regard to the decision in *Dalla-Riva v Department of Treasury and Finance*,¹⁷ in which VCAT held documents are exempt under section 34(1)(b) if disclosure would:

- (a) give competitors of a business undertaking a financial advantage;
- (b) enable competitors to engage in destructive competition with the business undertaking; and
- (c) would lead to the drawing of unwarranted conclusions as to the business undertaking's financial affairs and position with detrimental commercial and market consequences

62. I am not satisfied section 34(1)(b) applies to the banking details of the business undertaking because I do not consider this type of information to be commercially sensitive information such that its disclosure would expose the business undertaking unreasonably to disadvantage. Therefore, the banking details are not exempt under section 34(1)(b).

63. My decision on the application of section 34(1)(b) is set out in the Schedule of Documents at **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

64. 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.

65. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'¹⁸ and the effectiveness of the deletions. Where

¹⁷ [2007] VCAT 1301 at [33].

¹⁸ *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].

deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.¹⁹

- 66. I have reviewed Document 3, which the Agency exempted from release under section 30(1). I am not satisfied this information is relevant to the terms of the Applicant's request which seek access to documents referring to allegations, grievances, complaints or discussions about the conduct of the Applicant. The deleted information in Document 3 is part of a weekly update in relation to the Agency and does not relate to any allegations involving the Applicant. Accordingly, it is to remain deleted as it is irrelevant information.
- 67. I do not consider the name of the Agency FOI officer, which appears at the top of emails in Documents 1-7 and 10, is relevant to the terms of the Applicant's request. Although the Agency determined this name to be exempt under section 33(1), I am satisfied it is irrelevant to the Applicant's request and is to remain deleted.
- 68. I have considered whether 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. I am satisfied it is practicable to delete such information as to do so would not require substantial time and effort, and the edited documents would retain meaning.
- 69. My decision in relation to section 25 is outlined in the Schedule of Documents in **Annexure 1**.

Conclusion

- 70. On the information before me, I am satisfied certain information in the documents is exempt from release under section 33(1).
- 71. However, I am not satisfied other information is exempt from release under section 32(1), 33(1), 34(1)(b) and 36(1)(b).
- 72. 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.
- 73. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

Review rights

- 74. 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.²⁰
- 75. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²¹
- 76. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²²
- 77. 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.

¹⁹ *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].

²⁰ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²¹ Section 52(5).

²² Section 52(9).

78. 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.²³

Third party review rights

79. As I have determined to release documents that contain the personal affairs information of individuals 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.²⁴

80. In considering the meaning of 'practicable' in relation to other sections of the FOI Act, VCAT has held:

The use of the word 'practicable' in the legislation to my mind connotes a legislative intention to apply common sense principles. 'Practicable' is not a term of art or a term of precise meaning.

... The use of the word indicates there should be imported into the process the exercise of judgment by the agency concerned. It does not allow for the conclusion that because a task is possible, it must, ergo, be undertaken.²⁵

81. VCAT also considers the possibility of an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying them.²⁶
82. I am satisfied it is practicable to notify certain individuals of their review rights where their information is not publicly available, or the same information was not released by the Agency to the Applicant in other documents.
83. I am satisfied it is not practicable to notify an individual as their contact details are unknown.
84. The relevant third parties will be notified of my decision and their right to apply to VCAT for a review within 60 days from the date they are given notice.

When this decision takes effect

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

²³ Sections 50(3F) and 50(3FA).

²⁴ Sections 49P(5), 50(3) and 52(3).

²⁵ *Re Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

²⁶ *Coulston v Office of Public Prosecutions Victoria* [2010] VCAT 1234 at [42].

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date] – [date]	Emails	2	Released in part Sections 33(1), 36(1)(b)	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • email address at bottom of email on page 1; • email address of sender of the email dated [date] at [time], as it appears throughout the document; • first name of third party in the second line of email dated [date] at [time]; and • the mobile telephone number at bottom of page 2. <p>Irrelevant information is to be deleted in accordance with section 25.</p>	<p>Section 33(1): I am satisfied certain information in this document is exempt from release under section 33(1) for the reasons outlined in the Notice of Decision above.</p> <p>However, I am not satisfied certain other information is exempt from release under section 33(1) for the reasons outlined in the Notice of Decision.</p> <p>Section 36(1)(b): For the reasons outlined in the Notice of Decision above, I am not satisfied information in this document is exempt from release under section 36(1)(b).</p> <p>Section 25: I am satisfied the name of the FOI officer on the top left corner on page 1 is irrelevant to the terms of the Applicant's request.</p> <p>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.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
2.	[date]	Emails	2	Released in part Sections 32(1), 33(1)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25: <ul style="list-style-type: none">• email address of sender in the signature of email dated [date] at [time]; and• email address at bottom of page 2. Irrelevant information is to be deleted in accordance with section 25.	Section 32(1): For the reasons outlined in the Notice of Decision above, I am not satisfied information in the document is exempt from release under section 32(1). Section 33(1): See comments for Document 1. Section 25: See comments for Document 1.
3.	[date]	Email	3	Released in part Sections 30(1), 33(1)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt	Section 33(1): See comments for Document 1. Section 25: I am satisfied the information exempted from release by the Agency under section 30(1) and the name of the FOI officer is irrelevant to the terms of the

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>under section 33(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the email address at the bottom of page 3. <p>Irrelevant information is to be deleted in accordance with section 25.</p>	<p>Applicant's request for the reasons outlined in the Notice of Decision above.</p> <p>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.</p>
4.	[date]	Emails	2	<p>Released in part</p> <p>Section 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> name of recipient of email dated [date] at [time]; email address of sender in the signature of email mentioned above; 	<p>Section 33(1): See comments for Documents 1.</p> <p>Section 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> • name and email address of email sender of email dated [date] at time]; • first name at bottom of page 1; • name and email address of the recipient of email dated [date] at [time]; and • first name of third party in the first line of email mentioned above. <p>All irrelevant information is to remain deleted in accordance with section 25.</p>	
5.	[date]	Emails	2	Released in part Section 33(1)	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:</p>	<p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> • name of email sender of email dated [date] at [time]; • four telephone numbers and email address of third party in the body of email mentioned above; • first name at bottom of email mentioned above; • name and email address of the recipient of email dated [date] at [time]; • first name of third party in the first line of email mentioned above; • name and email address of sender of email dated [date] at [time]; and • name, position title, telephone numbers and email address at bottom of page 2. <p>All irrelevant information is to remain deleted in accordance</p>	

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					with section 25.	
6.	[date]	Emails and attachment	5	Released in part Section 33(1)	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • name and email address of sender of email dated [date] at [time] on page one; • first name of third party in the bottom line of email mentioned above; • name of email sender of email dated [date] at [time] on page two; and • first name of third party in bottom line of email mentioned above. 	<p>Section 33(1): See comments for Documents 1.</p> <p>Section 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					All irrelevant information is to remain deleted in accordance with section 25.	
7.	[date]	Emails	2	Released in part Section 33(1)	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • email address of the sender of email dated [date] at [time], contained in the email signature; • email addresses of the sender of email dated [date] at [time]; • first name of the third party on the second line of email mentioned above; • email addresses of the sender of email and 	<p>Section 33(1): See comments for Documents 1.</p> <p>Section 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>individual copied into email dated [date] at [time];</p> <ul style="list-style-type: none"> the mobile telephone number and email address in body of email mentioned above; and name, position title, telephone numbers and email address of third party at bottom of page 2. <p>All irrelevant information is to remain deleted in accordance with section 25.</p>	
8.	[date]	Email	1	Released in part Sections 32(1), 33(1)	Release in full	<p>Section 32: For the reasons outlined in the Notice of Decision, I am not satisfied information in the document is exempt under section 32(1).</p> <p>Section 33(1): I am not satisfied that information in the document is exempt under section 33(1) for the reasons outlined in the Notice of Decision.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
9.	[date]	Email	1	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25: <ul style="list-style-type: none"> email address of second recipient of email. 	Section 33(1): See comments for Documents 1. Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of this document with exempt information deleted in accordance with section 25.
10.	[date]	Emails and attachments	5	Released in part Section 33(1)	Released in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25: <ul style="list-style-type: none"> signatures on pages 4 and 5. All irrelevant information is to remain deleted in accordance with section 25.	Section 33(1): See comments for Documents 1. In addition, I am satisfied disclosure of the personal affairs information of third parties representing the Applicant would not be unreasonable in the circumstances. Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
11.	[date]	Email	1	Released in part Section 33(1)	Release in full	Section 33(1): See comments for Document 8.
12.	[date]	Emails	2	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25: <ul style="list-style-type: none"> • email address in email dated [date] at [time]; and • email address of second recipient in email dated [date] at [time]. 	Section 33(1): See comments for Document 1. Section 25: See comments for Document 9.
13.	[date]	Email	1	Released in part Section 33(1)	Release in full	Section 33(1): See comments for Document 8. Note on attachment: During the review, OVIC sought a copy of the attachment to this email. The Agency provided a copy, which is

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						addressed below in the comments for Document 18.
14.	[date]	Email	1	Released in part Section 33(1)	Release in full	Section 33(1): See comments for Document 8.
15.	[date]	Emails	1	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25: <ul style="list-style-type: none"> email address in email dated [date] at [time]. 	Section 33(1): See comments for Documents 1. Section 25: See comments for Document 9.
16.	[date]	Emails	1	Released in part Section 33(1)	Released in part Sections 33(1), 25 The document is to be released with the following information, which is exempt under section 33(1), deleted in accordance with section 25:	Section 33(1): See comments for Document 1. Section 25: See comments for Document 9.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> • email address in email signature at bottom of email dated [date] at [time]; and • address in body of email dated [date] at [time]. 	
17.	[date]	Email	1	Released in part Section 33(1)	Release in full	Section 33(1): See comments for Documents 8.
18.	[date]	Invoice	1	Released in part Section 33(1)	Release in full	<p>This is an attachment to Document 13 that was located during the review.</p> <p>Section 33(1): See comments for Document 8.</p> <p>Section 34(1)(b): For the reasons outlined in the Notice of Decision above, I am not satisfied information in the document is exempt from release under section 34(1)(b).</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						Section 25: See comments for Document 8.