

Notice of Decision and Reasons for Decision

Applicant:	'EO8'
Agency:	Department of Families, Fairness and Housing
Decision date:	15 June 2022
Exemptions and provisions considered:	Sections 31(1)(c), 33(1), and 38 in conjunction with sections 41(1), 191(1) and 209(1) of the <i>Children, Youth and Families Act 2005</i> (Vic)
Citation:	'EO8' and <i>Department of Families, Fairness and Housing</i> (Freedom of Information) [2022] VICmr 162 (15 June 2022)

FREEDOM OF INFORMATION – Child Protection records – information provided in confidence – confidential source of information – personal affairs information of third parties

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

I am satisfied information in the documents is exempt from release under sections 31(1)(c), 33(1), and 38 of the FOI Act in conjunction with sections 41(1), 191(1) and 209(1) of the *Children, Youth and Families Act 2005* (Vic) (**CYF Act**).

However, I have determined to release additional information in the documents where I am satisfied it is not exempt from release.

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt 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

15 June 2022

Reasons for Decision

Background to review

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

I request my paper disability client file, and the next [number] pages of my electronic child protection file from oldest to most recent (excluding duplicated documents).

I do not seek

- any documents that were released in [Agency reference number];
- any documents that relate solely to [other people]; and
- any case note cover pages.

2. The Agency identified 47 documents falling within the terms of the Applicant's request and granted access to 23 documents in full and refused access to 24 documents in part under sections 31(1)(c), 33(1), 35(1)(b), and 38 in conjunction with sections 191(1) and 209(1) of the CYF Act. The Agency's decision letter sets out the reasons for its decision.

Review application

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

Child Protection and Child Protection records

9. The Agency is responsible for enforcing and administering the law relating to Child Protection in Victoria under the CYF Act.
10. Child Protection files come into existence when the Agency is notified or becomes aware of a child that is at risk to harm, wellbeing or other safety concerns. The CYF Act provides for voluntary reports from a person and mandatory reporting by persons in certain professions specified under the CYF Act.
11. The main functions of Child Protection are to:
 - (a) investigate matters where it is alleged a child is at risk of harm;
 - (b) refer children and family appropriately to services in providing ongoing safety and wellbeing of children;
 - (c) escalate matters to the Children's Court if a child's safety cannot be ensured within the family; and

- (d) supervise children on legal orders granted by the Children’s Court.
12. The Agency publishes the Child Protection Manual, which is used by Child Protection practitioners and contains information for families. The manual is available at www.cpmanual.vic.gov.au.
 13. The role and mandate of Child Protection is obviously an important and significant one. It is also comprehensively regulated under the CYF Act.
 14. Parliament has determined strict parameters apply to what information can be released in relation to Child Protection matters, including a prohibition on identifying any person who notifies the Agency about any child protection concerns (notifiers) and any subsequent Agency investigations into or action taken to address any such concerns.
 15. For example, the CYF Act prohibits disclosure of the names of notifiers, as well as any information likely to lead to the identification of a notifier, except in certain limited circumstances where disclosure is authorised. This reflects the strong need for confidentiality around Child Protection notifications and any subsequent inquiries or investigations conducted by the Agency to ensure the confidentiality of notifiers when making sensitive notifications to the Agency in the interests of protecting a child or children from harm or possible harm.
 16. Therefore, when a person who has been involved with Child Protection or is the parent or guardian of such a child seeks access to a Child Protection file, the confidentiality provisions that apply to Child Protection information under the CYF Act are strictly applied.
 17. Lastly, while Child Protection records are kept in the name of the relevant child, the manner in which the Agency collects and records information generally concerns the child’s family unit. This means records will contain information regarding any protective interventions for sibling groups and information relating to a particular child will often be intertwined with information concerning other persons, such as siblings or other family members.

Review of exemptions

Section 38 – Documents subject to a secrecy provision

18. A document will be exempt under section 38 if:
 - (a) there is an enactment in force;
 - (b) that applies specifically to the kind of information in the document; and
 - (c) the enactment must prohibit persons, referred to in the enactment, from disclosing that specific kind of information (either absolutely or subject to exceptions or qualifications).
19. For section 38 to apply, an enactment must be formulated with such precision that it specifies the actual information sought to be withheld.
20. The Agency relies on the exemption in section 38 in conjunction with sections 191(1) and 209(1) of the CYF Act to refuse access to reports made to the Agency as well as information that would identify a third party who made a report to the Agency regarding the wellbeing of the Applicant.
21. In this matter, I also consider the provision in section 41(1) of the CYF Act, which I believe is relevant to the documents subject to review.

Application of the confidentiality provisions in the CYF Act

22. Section 41 of the CYF Act provides:

41 Identity of reporter or referrer confidential

- (1) If a report is made to the Secretary under section 28 or 29, a person (other than the person who made it) must not disclose to any person other than the Secretary or a community-based child and family service—
- (a) the name of the person who made the report; and
 - (b) any information that is likely to lead to the identification of the person who made the report.

Penalty: 60 penalty units.

...

- (2) Subsection (1) and (1A) do not apply if the person who made the report or referral—
- (a) gives written consent to the Secretary; or
 - (b) gives written or oral consent to the community-based child and family service.

23. Section 191 of the CYF provides:

191 Confidentiality

- (1) If a report referred to in section 190(1) is made, a person (other than the person who made it or a person acting with the written consent of the person who made it) must not disclose to any person other than a protective intervener or a community-based child and family service in accordance with subsection (4)—
- (a) the name of the person who made the report; or
 - (b) any information that is likely to lead to the identification of the person who made the report.

Penalty: 10 penalty units.

- (2) Subsection (1) does not apply to a disclosure made to a court or tribunal in accordance with section 190.
- (3) Subsection (1) does not apply to a disclosure to the Therapeutic Treatment Board of the name or information leading to the identification of a police officer who made a report under section 185.

...

24. Section 209 of the CYF Act provides:

209 Confidentiality

- (1) A protective intervener must not disclose to any person, other than to another protective intervener or to a person in connection with a court proceeding or to a person in connection with a review by VCAT—
- (a) the name of a person who gave information in confidence to a protective intervener during the course of the investigation of the subject-matter of a protective intervention report; or
 - (b) any information that is likely to lead to the identification of a person referred to in paragraph (a)—

without the written consent of the person referred to in paragraph (a) or authorisation by the Secretary.

Penalty: 10 penalty units

- (2) The Secretary may only authorise the disclosure of information to a person under subsection (1) if the Secretary believes on reasonable grounds that the disclosure is necessary to ensure the safety and wellbeing of the child.
- (3) In this section ***court proceeding*** includes a proceeding in the Family Court of Australia.

25. In summary, sections 41(1), 191(1) and 209(1) of the CYF Act prohibit disclosure of the names of persons as well as any information likely to lead to the identification of any person who:
- (a) provided confidential Child Protection information to the Agency in the course of a protective intervention investigation; or
 - (b) notified the Agency of their concerns for the wellbeing of a child.
26. Unauthorised disclosure of such information is an offence and carries penalties under the CYF Act, which highlights the legislature's intention that such information should remain protected.
27. I am satisfied the relevant sections of the CYF Act as described above, prohibit the disclosure of the identity, or any information likely to lead to the identification of a notifier/reporter, or person who provides information in confidence to the Agency regarding the welfare or well-being of a child. This includes not only the report or record of confidential information itself, but also any subsequent documents created containing details of the report or confidential information provided to the Agency.
28. Having reviewed the documents and information before me, I am satisfied:
- (a) the CYF Act is an enactment in force, for the purposes of section 38;
 - (b) the documents contain specific information prohibited from disclosure under sections 41(1), 191(1) and 209(1) of the CYF Act;
 - (c) these provisions prohibit persons, in this case Agency officers, from disclosing the specific information sought by the Applicant; and
 - (d) the prohibition under sections 41(1), 191(1) and 209(1) of the CYF Act is absolute, in that disclosure of information is not subject to any exceptions or qualifications.
29. Accordingly, I am satisfied certain information in the documents is exempt under section 38 of the FOI Act in conjunction with sections 41(1), 191(1) and 209(1) of the CYF Act.
30. My decision in relation to section 38 is set out in the Schedule of Documents at **Annexure 1**.

Section 31(1)(c) – Law enforcement documents involving a confidential source of information

31. Subject to section 31, section 31(1)(c) provides a document is an exempt document if its disclosure under the FOI Act would or would be reasonably likely to disclose or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law.
32. In light of my decision in relation to section 38, and my discussion above regarding the handling of Child Protection in Victoria, in the circumstances of this case I am satisfied certain information identifies various third parties who:
- (a) whether directly or indirectly provided information in confidence to the Agency regarding child safety and wellbeing concerns; and

- (b) provided information in confidence to the Agency in relation to the enforcement or administration of the CYF Act.

33 Accordingly, I am satisfied certain information in the documents is exempt under section 31(1)(c).

34 My decision in relation to section 31(1)(c) is set out in the Schedule of Documents at **Annexure 1**

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

35. Section 33(1) provides a document is exempt if two conditions are satisfied:

- (a) disclosure of the document would ‘involve’ the disclosure of information relating to the ‘personal affairs’ of a person other than the Applicant (a **third party**);¹ and
- (b) such disclosure would be ‘unreasonable’.

36. 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.²

Do the documents contain the personal affairs information of individuals other than the Applicant?

37. I am satisfied the documents contain personal affairs information of third parties, being their names, telephone numbers, health information and information relating to the personal wellbeing of third parties.

38. A third party’s opinion or observations about another person’s conduct can constitute information in relation to a third party’s personal affairs.³

39. I am satisfied the documents also contain notes made by the Agency’s officers in the course of the Agency’s involvement with the Applicant and their family, and this information relates to the personal affairs information of third parties.

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

40. The concept of ‘unreasonable disclosure’ involves balancing the public interest in the disclosure of official information with the protection of an individual’s personal privacy in the circumstances.

41. I have considered the following factors in the circumstances of this case:

- (a) The nature of the personal affairs information

The personal affairs information relates to Child Protection matters. I consider this information is highly sensitive and personal in nature.

- (b) The circumstances in which the information was obtained

The Agency obtained the information from individuals in the context of carrying out its Child Protection functions under the CYF Act.

I accept such information is ordinarily provided to the Agency on the understanding it will remain confidential unless limited exceptional circumstances require it to be disclosed.

¹ Sections 33(1) and 33(2).

² Section 33(9).

³ *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].

Further, individuals who provide information to the Agency in such circumstances would not expect information they provide to the Agency will be released under the FOI Act.

(c) The Applicant's interest in the information

The Applicant did not provide specific reasons for seeking access to the documents. However, I accept they have a genuine and personal interest in obtaining access to documents that relate to their childhood that would provide them with further insight into the nature of Child Protection's involvement with them and their family.

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

I consider the Applicant's interest in obtaining access to the documents would serve a private interest rather than a public interest. However, I consider there is an interest, shared by the wider community, in those who have had involvement with Child Protection to be able to obtain access to as much information as possible in relation to that involvement.

While the public interest in transparency and accountability of official action is a matter to which I give significant weight, in the context of seeking personal and sensitive information under the FOI Act, which relates to not only the Applicant, but also to other individuals whose personal affairs information appear in documents, I must balance the public interest in access to official information against protecting the privacy of those third parties.

For these reasons, I consider the public interest in the Agency preserving the confidentiality of information it receives from third parties and any information that could identify the providers of this information, outweighs the Applicant's personal interest in seeking full disclosure of all information held by the Agency regarding their involvement with Child Protection.

While I acknowledge the Applicant will understandably consider they have a right to know all information the Agency holds that relates to them in respect of their involvement with Child Protection, the public interest in the Agency being able to continue to receive important information regarding child safety and wellbeing concerns remains paramount.

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

In the absence of the written consent of the relevant third parties, I consider it would be reasonably likely that certain third parties would object to the release of their personal affairs information under the FOI Act given the sensitive and personal nature of the documents.

(f) Whether disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person

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

42. In balancing the above factors, I am satisfied in the circumstances of this matter:

- (a) It would be unreasonable to release the personal affairs information of certain third parties who provided confidential information to the Agency in the course of its Child Protection investigations, particularly where the information does not relate to the Applicant.
- (b) It would be unreasonable to release personal affairs information relating to any protective concerns, wellbeing and health information concerning the Applicant's siblings as well as other third parties whose information appear in the documents and, in some cases, the information is heavily intertwined with the personal affairs of the Applicant's such that it cannot meaningfully be extracted.

(c) However, it would not be unreasonable to release some third party personal affairs information where I consider such information will provide the Applicant with further insight or an explanation of the involvement of Child Protection with the Applicant and their family. Particularly noting, the passage of time since the documents were created, the reduced sensitivity of certain information and the likelihood certain information would already be in the possession of or known to the Applicant.

43. Accordingly, I am satisfied certain third parties' personal affairs information is exempt under section 33(1), however, I have determined other information is not exempt.

44. My decision in relation to section 33(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 35(1)(b) – Information provided in confidence to the Agency

45. Given my decision on section 38 to certain documents, it is not necessary for me to consider the application of section 35(1)(b).

Section 25 – Deletion of exempt or irrelevant information

46. 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.

47. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'⁴ 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 25.⁵

48. I have considered the effect of deleting exempt information from the documents. In my view, it is practicable to delete the exempt information as to do so would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

49. On the information before me, I am satisfied information in the documents is exempt from release under sections 31(1)(c), 33(1), and 38 of the FOI Act in conjunction with sections 41(1), 191(1) and 209(1) of the CYF Act.

50. However, I have determined to release additional information in the documents where I am satisfied information is not exempt.

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

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

⁴ *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].

⁵ *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].

Review rights

53. 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.⁶
54. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.⁷
55. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.⁸
56. 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.
57. 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.⁹

Third party review rights

58. As I have determined to release documents that contain information the Agency determined is exempt under section 33(1), if practicable, I must notify the relevant persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.¹⁰
59. In considering the meaning of 'practicable' in relation to other sections of the FOI Act, VCAT has stated the following:

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.¹¹
60. VCAT also considers the possibility of an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying them.¹²
61. In this case, I am satisfied it is not practicable to notify the relevant third parties of their review rights as I consider doing so would involve an unnecessary intrusion for the following reasons:
 - (a) the nature and sensitivity of the information in the documents;
 - (b) the passage of time since the documents were created and the information was provided to the Agency; and
 - (c) the likelihood notification of my decision in this matter would cause the relevant third parties undue concern or anxiety.

⁶ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

⁷ Section 52(5).

⁸ Section 52(9).

⁹ Sections 50(3F) and 50(3FA).

¹⁰ Sections 49P(5), 50(3) and 52(3).

¹¹ *Re Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

¹² *Coulston v Office of Public Prosecutions Victoria* [2010] VCAT 1234 at [42].

When this decision takes effect

62. My decision does not take effect until the Agency's 14 day review period expires.
63. 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.	undated	Document 001 – Paper disability file covers and dividers	8	Released in full	Not subject to review	Not subject to review
2.	[Date]	Document 002 – Declaration of Eligibility	1	Released in full	Not subject to review	Not subject to review
3.	[Date]	Document 003 – Client Intake Report	3	Released in full	Not subject to review	Not subject to review
4.	[Date]	Document 004 – Application for Assessment of Eligibility	3	Released in full	Not subject to review	Not subject to review
5.	[Date]	Document 005 – Assessment for Eligibility Report	7	Released in full	Not subject to review	Not subject to review
6.	[Date]	Document 006 – Confidential Psychological Assessment Report	7	Released in full	Not subject to review	Not subject to review
7.	[Date]	Document 007 – Rational for Case Closure	2	Released in part Section 33(1)	Release in part Sections 33(1), 25	Section 33(1): The relevant information relates to the personal affairs of third parties. For the reasons set out in the Notice of

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with exempt information deleted in accordance with section 25.	Decision above, I am satisfied disclosure would be unreasonable in the circumstances. Accordingly, my decision on this document is the same as the Agency's decision. Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt information deleted in accordance with section 25.
8.	undated	Document 008 – Case notes	3	Released in full	Not subject to review	Not subject to review
9.	[Date]	Document 009 – Case Note – PC from [third party]	2	Released in full	Not subject to review	Not subject to review
10.	[Date]	Document 010 – Case notes	4	Released in full	Not subject to review	Not subject to review
11.	undated	Document 011 – Case note	1	Released in full	Not subject to review	Not subject to review
12.	[Date]	Document 012 – Case note – school	4	Released in part Section 33(1)	Release in part Sections 33(1), 25	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with exempt information deleted in accordance with section 25.	
13.	Undated	Document 013 – Supervised access report	4	Released in part Section 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The following information is to be released on page 2:</p> <ul style="list-style-type: none"> second sentence of second paragraph under the heading ‘b) emotional needs’ except for the name of the third party in the second line of the second sentence. 	<p>Section 33(1): For the reasons set out in the Notice of Decision above, I am satisfied disclosure of the personal affairs information of third parties where it would provide the Applicant with further insight or explanation of the involvement of Child Protection with the Applicant and their family would not be unreasonable in the circumstances of this matter. Particularly noting the passage of time since the documents were created, the reduced sensitivity of certain information and the likelihood certain information would already be known to the Applicant.</p> <p>Section 25: See comments for Document 7.</p>
14.	[Date]	Document 014 – Placement support worker report	2	Released in part Section 33(1)	Release in part Sections 33(1), 25	Section 33(1): See comments for Document 7.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with exempt information deleted in accordance with section 25.	Section 25: See comments for Document 7.
15.	[Date]	Document 015 – Supervised access report	8	Released in part Section 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The following information that was exempted by the Agency is to be released:</p> <p>On page 1:</p> <ul style="list-style-type: none"> the name of the third party; <p>On page 2:</p> <ul style="list-style-type: none"> the entirety of the third paragraph (lines 7 to 14); <p>On page 3:</p> <ul style="list-style-type: none"> the sixth paragraph; 	<p>Section 33(1): This document is largely the same as Document 16, except for slight differences.</p> <p>The Agency refused access to information in this document that it released to the Applicant in Document 16. I am satisfied disclosure of information that was released by the Agency to the Applicant in Document 16 would not be unreasonable.</p> <p>Section 25: See comments for Document 7.</p>

					<p>On page 4:</p> <ul style="list-style-type: none"> the first, fourth and fifth paragraphs under the heading 'b) emotional needs'; <p>On page 5:</p> <ul style="list-style-type: none"> the third and fourth paragraphs (lines 8 to 13); <p>On page 6:</p> <ul style="list-style-type: none"> the third and fourth paragraphs (lines 3 to 10); <p>On page 7:</p> <ul style="list-style-type: none"> the second paragraph (lines 2 and 3); the fifth paragraph (lines 9 to 11); part of the sixth paragraph in lines 12 and 13, consistent with what the Agency released in Document 16; and the name of the third party in the last 	
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Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					sentence of the page.	
16.	[Date]	Document 016 – Supervised access report	8	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
17.	undated	Document 017 – Case note	1	Released in full	Not subject to review	
18.	[Date]	Document 018 – Placement support worker report	2	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
19.	undated	Document 019 – Case note	1	Released in full	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
20.	undated	Document 020 – Protection application hearing	2	Released in full	Not subject to review	
21.	undated	Document 021 – Case notes	10	Released in full	Not subject to review	
22.	[Date]	Document 022 – Case note	1	Released in full	Not subject to review	
23.	undated	Document 023 – Case notes	3	Released in full	Not subject to review	
24.	[Date]	Document 024 – Case note – meeting	2	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
25.	[Date]	Document 025 – Case note – PSW report	2	Released in full	Not subject to review	
26.	Undated	Document 026 – Case notes	6	Released in part Section 33(1)	Release in part Sections 33(1), 25	Section 33(1): See comments for Document 7.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with exempt information deleted in accordance with section 25.	Section 25: See comments for Document 7.
27.	[Date]	Document 027 – Case note – Office visit	2	Released in full	Not subject to review	
28.	[Date]	Document 028 – Letter	1	Released in full	Not subject to review	
29.	[Date]	Document 029 – Case note	3	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
30.	[Date]	Document 030 – Case note – phone call	2	Released in full	Not subject to review	
31.	[Date]	Document 031 – Case notes – phone calls	2	Released in full	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
32.	[Date]	Document 032 – Case notes – phone call and transport	3	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
33.	[Date]	Document 033 – Case notes – phone calls	2	Released in full	Not subject to review	
34.	[Date]	Document 034 – Case note – phone call	2	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
35.	[Date]	Document 035 – Review meeting	2	Released in part Section 33(1)	Release in part Sections 33(1), 25	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with exempt information deleted in accordance with section 25.	
36.	[Date]	Document 036 – letter	2	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
37.	[Date]	Document 037 – Case note	1	Released in full	Not subject to review	
38.	[Date]	Document 038 – Case notes – phone call and supervision	3	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
39.	[Date]	Document 039 – Case note – letters	3	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
40.	[Date]	Document 040 – Case note	1	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information deleted in accordance with section 25.	Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.
41.	[Date]	Document 041 – Case notes	3	Released in part Sections 33(1), 31(1)(c), 35(1)(b) and 38	Release in part Sections 31(1)(c), 38, 25 The document is to be released with exempt information deleted in accordance with section 25.	Sections 31(1)(c) and 38: I am satisfied information in the document is exempt from release under sections 38 and 31(1)(c) for the reasons outlined in the Notice of Decision above. Section 33(1): As I am satisfied the information is exempt under

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						<p>sections 31(1)(c) and 38, it is not necessary to consider the additional exemptions relied on by the Agency under sections 33(1) and 35(1)(b).</p> <p>Section 25: See comments for Document 7.</p>
42.	[Date]	Document 042 – Rationale for closure	4	<p>Released in part</p> <p>Sections 33(1), 31(1)(c), 35(1)(b) and 38</p>	<p>Release in part</p> <p>Sections 31(1)(c), 33(1), 38, 25</p> <p>The document is to be released with exempt information deleted in accordance with section 25.</p>	<p>Sections 31(1)(c) and 38: See comments for Document 41.</p> <p>Section 33(1): See comments for Document 7.</p> <p>Section 35(1)(b): As I am satisfied the information exempted from release by the Agency under section 35(1)(b) is exempt under sections 31(1)(c) and 38, it is not necessary to also consider the additional exemptions relied on by the Agency under section 35(1)(b) to the same information.</p> <p>Section 25: See comments for Document 7.</p>
43.	[Date]	Document 043 – Case note – protective concerns	3	Released in part	Release in part	Sections 31(1)(c) and 38: See comments for Document 41.

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				Sections 33(1), 31(1)(c), 35(1)(b) and 38	<p>Sections 31(1)(c), 33(1), 38, 25</p> <p>The document is to be released with exempt information deleted in accordance with section 25.</p>	<p>Section 33(1): See comments for Document 7.</p> <p>Section 35(1)(b): As I am satisfied the information exempted from release by the Agency under section 35(1)(b) is exempt under sections 31(1)(c) and 38, it is not necessary to consider the additional exemptions relied on by the Agency under section 35(1)(b) to the same information.</p> <p>Section 25: See comments for Document 7.</p>
44.	[Date]	Document 044 – Case note – phone call	2	<p>Released in part</p> <p>Sections 33(1), 31(1)(c), 35(1)(b) and 38</p>	<p>Release in part</p> <p>Sections 31(1)(c), 33(1) 38, 25</p> <p>The following information the Agency exempted from release is to be released:</p> <ul style="list-style-type: none"> all of point 3 ‘Risk Assessment’ on page 2. 	<p>Sections 38 and 31(1)(c): See comments for Document 41.</p> <p>Section 35(1)(b): See comments for Document 42.</p> <p>Section 33(1): See comments for Document 13.</p> <p>Section 25: See comments for Document 7.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
45.	[Date]	Document 045 – Case note – recommendation	2	Released in part Sections 33(1), 31(1)(c), 35(1)(b) and 38	Release in part Sections 38, 31(1)(c), 33(1), 38, 25 The information exempted by the Agency is to remain deleted, except for the information it exempted on the bottom of page 1 and start of page 2, which is to be released.	Sections 31(1)(c) and 38: See comments for Document 41. However, I am not satisfied the information exempted from release by the Agency at the bottom of page 1 and start of page 2 is exempt under section 31(1)(c) as it does not identify a confidential source. Section 33(1): I am not satisfied the information exempted from release by the agency at the bottom of page 1 and the start of page 2 is personal affairs information for the purpose of section 33. Section 35(1)(b): See comments for Document 42. Section 25: See comments for Document 7.
46.	[Date]	Document 046 – Case note – telephone call	1	Released in part Section 33(1)	Release in part Sections 33(1), 25 The following information that was exempted from release	Section 33(1): While the document contains a third party's opinion about the Applicant, I am not satisfied the information is sensitive in the circumstances of this matter and its disclosure would not be unreasonable.

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					<p>by the Agency is to be released:</p> <p>On page 1:</p> <ul style="list-style-type: none"> • all of dot point 2; and • dot point 8. 	<p>Other information in this document is exempt from release under section 33(1) for the reasons provided in the Notice of Decision above.</p> <p>Section 25: See comments for Document 7.</p>
47.	[Date]	Document 047 – Case note – Rational for closure	1	<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 exempt information deleted in accordance with section 25.</p>	<p>Section 33(1): See comments for Document 7</p> <p>Section 25: See comments for Document 7.</p>