

Notice of Decision and Reasons for Decision

Applicant:	'DN8'
Agency:	Victoria Police
Decision date:	20 August 2021
Exemptions considered:	Sections 30(1), 32(1), 33(1)
Citation:	'DN8' and Victoria Police (Freedom of Information) [2021] VICmr 252 (20 August 2021)

FREEDOM OF INFORMATION – incident report – LEAP report – electronic patrol duty return form – handwritten notes – Victorian Government Solicitor's Office (VGSO) advice – CCTV – 000 call involving the Applicant – triple zero call

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 the exemptions in sections 30(1) and 33(1) apply to parts of the documents. I have decided to grant access to the documents in part.

Where it is practicable to edit the documents to delete irrelevant and exempt information, I have determined to grant access to the documents in part.

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

My reasons for decision follow.

Sven Bluemmel
Information Commissioner
20 August 2021

Reasons for Decision

Background to review

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

The diary notes and all telephone and written correspondence of [location] Police Station Members [name and rank], [name and rank], [name and rank] and [name and rank] of [date]. All documentation involving all Victoria Police members attending and directing attendance at [location] on [date] and [date].

2. The Applicant subsequently clarified their request was for access to the following documents:

1. 2 x 000 calls made by yourself on [date]

2. Incident Fact Sheets for both incidents- [date]& [date]

3. Leap Incident Reports - for both incidents [date]& [date]– Incident numbers - [reference] & [reference]

4. Electronic Patrol Duty Returns (ePDR's) and notes from attending members for both incidents and, in particular, [name and rank] and [name and rank]

5. Video Security Footage that was seized by Victoria Police for incident on [date]- (only between the hours of [time] and [time]).

6. A copy of the VGSO [Victorian Government Solicitor's Office] advice letter that Victoria Police relied on dated [date] regarding [location].

3. The Agency identified certain documents falling within the terms of the Applicant's request. It decided to grant access to some of those documents in part. The Agency relied on sections 30(1) and 33(1) to refuse access to parts of the documents. The Agency's decision letter sets out the reasons for its decision.

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. I have examined copies 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.
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 also 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.

Submissions

Applicant submission

10. The Applicant submitted, in part:

...I just seek the VGSO letter dated [date] discussing my [circumstances], which my family and friends have been drawn into the Courts and Legal Proceedings, where Victoria Police have been attempting to make Criminal Matters out of a Civil issue. This VGSO letter has been raised in numerous proceedings however Vic Pol have denied providing the evidence, in which they claim gives them standing, which ultimately needs to be provided for transparency at law, as Victoria Police have a Duty of Care to act with integrity and transparency to the Community and the Judicial System which is to provide Fair access and Process to Justice as well as uphold the law.

My concerns which I would like forwarded to Victoria Police as a complaint are the following;

- The prolonged delay of [length of time] to fulfil my FOI request even after my consideration of the limitations and delays with Covid 19 and the limited time left to prepare for my Appeal Hearing on [date] which will need to be adjourned to a further date as I do not have all relevant materials sort by me to be provided by Victoria Police for my Appeal to proceed which causes an unfair prejudice to me.
- The video footage provided on DVD with the wrong time frame to what was requested. Acknowledging it as incorrect but passing it off as 'being out'. Never have we experienced any difficulties with the recording equipment, it has always been exceptionally reliable on date/time stamping all clips. Supplied was 41 separate clips, mostly from [location] with views of [location] and a bit of bird activity, except for 7 clips. Only 5 of the supplied clips had anything of any detail, leaving out basically everything which occurred on [date], with a sighting of two Police.
- In regards to the audio recordings and Victoria Police operation recordings of that day, I am extremely distressed by Vic Pol's internal organisational comments. [Content redacted]. How am I to have confidence in Vic Pol attending to my concerns appropriately or calling [circumstances] and receiving the assistance I may require.
- My last concern being the 143 pages of documents so heavily redacted that render them gibberish and nonsensical to read. I am aware of who my family and friends are, also (redacted), and the names of the Police involved (redacted), already provided on Charge Sheets, Police Statements and other Court Documents. Redacting these names is ridiculous, given the limited and sparse information remaining. Also, some documents are so faint with ink that makes reading them impossible. Of the 143 pages only 28 were acceptable, the information was often duplicated. 54 pages were marked with large, (redacted) squares, leaving extraordinarily little information. 2 pages were basically blank, with no explanation. 16 pages were codes and parameters, without actual information. Lastly, 11 pages were labelled "Pages (a) through (e) redacted for the following reasons: Not Relevant" amounting to a coverage on average 4 pages. I believe this is an attempt by Victoria Police to Wilfully Obstruct, Hinder and Deny me the information I have requested, that [name of Agency officer] infers [they have] provided, but the quality and details suggest otherwise.

11. Following enquiries by OVIC, the Applicant advised:

- ...I seek the names and identification numbers of all Police Officers.
- ...I request an unedited version of the phone call.
- ...I do not request the personal affairs information of people in the documents other than myself.

Agency decision letter and responses to enquiries

12. The Agency decision letter noted in part:

...

Firstly, I must apologise for the delay in responding to your request.

...

Please note: I am advised that the timer on the video footage is out by an hour so that the footage assessed here does in fact cover the timeframe specified in your discussion with [named Agency officer] on [date], namely [time]-[time] on the day in question. I also advise that consultation was not undertaken with third parties mentioned in the documents as it was considered impracticable.

...

The denied information includes the names and other personal details of third parties, including sworn members of this agency. It includes not only information in the printed documents, but also the contents of some of the videos (e.g. images of third parties) and of one of the audio recordings.

13. In response to enquiries by OVIC to address adequacy of search concerns, the Agency advised in relation to document 9:

The applicant's file has been checked and there is only 1 page of the VGSO letter. We agree that it appears to be incomplete.

This has been followed up with an email to the member who supplied the documents to check and see if any further pages can be located, as well as to provide advice to us relating to the 'DRAFT' status that is appearing across the page.

The member, [name of Agency officer], has provided a response. [Name of Agency officer] has advised that [they have] sent all documents that could be located in relation to the multiple incidents involving the applicant and the property. Therefore, no extra pages of this document can be located, and the DRAFT status is how the copy has been received and retained by him. No further copies of the document can be located.

14. In response to OVIC's enquiries regarding the disclosure of Agency officer's names, the Agency advised it considered the names exempt under section 33(1) given the relationship between the Applicant and the Agency and that there is likely to be ongoing interactions between the Agency, the Applicant and the Applicant's family.

Review of exemptions

Section 30(1) – Internal working documents

15. 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; and
- (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.

16. The exemption does not apply to purely factual material in a document.

17. In deciding if release is contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful that the object of the FOI Act is to facilitate and promote the disclosure of information.

18. In deciding whether the information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:

- (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;
 - (c) the stage or a decision or status of policy development or a process being undertaken at the time the communications were made;
 - (d) whether disclosure of the documents would be likely to inhibit communications between agency officers, essential for the agency to make an informed and well-considered decision or participate fully and properly in a process in accordance with the agency's functions and other statutory obligations;
 - (e) whether disclosure of the documents would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the agency would not otherwise be able to explain upon disclosure of the documents;
 - (f) the impact of disclosing documents in draft form, including disclosure not clearly or accurately representing a final position or decision reached by the agency at the conclusion of a decision or process; and
 - (g) 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.
19. My decision in relation to the application of section 30(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 32(1) – Document subject to legal privilege

20. 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'.
21. A document will be subject to legal professional privilege and exempt under section 32(1) where it contains a confidential communication¹:
- (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; or
 - (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.
22. The Agency applied section 32(1) to one document, being a letter marked 'draft' prepared by the Victorian Government Solicitor's Office (**VGSO**) and a third party.
23. During the course of the review, as detailed at paragraph 14 above, OVIC requested further information from the Agency as one page only had been identified of what appears to be a longer

¹ *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also Evidence Act 2008 (Vic), section 119.

document. The Agency conducted further inquiries and was unable to locate any other pages of the document.

24. I am not satisfied section 32(1) applies to the document because:

- (a) I am not satisfied it is a confidential communication between the Agency and its legal advisers, rather, it was prepared to be sent to an external party;
- (b) I do not consider the document was prepared for pending or contemplated litigation by the Agency, rather it contains general advice to a third party; and
- (c) I also do not consider the letter amounts to a confidential communication from the Agency's legal advisers for the purposes of obtaining information that would be used for the dominant purpose of obtaining advice on pending or contemplated legislation.

25. The document is therefore not exempt under section 32(1).

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

26. 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; and
- (b) such disclosure would be 'unreasonable'.

27. 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 this may be reasonably determined.

28. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the personal interest in privacy in the particular circumstances of a matter.

29. Section 33(2A) requires that, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I must take into account whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person. However, I do not consider this to be a relevant factor in the circumstances.

30. In deciding whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person (or their next of kin, if deceased) 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. However, this obligation does not arise if:

- (a) the notification would be reasonably likely to endanger the life or physical safety of a person, or cause them undue distress, or is otherwise unreasonable in the circumstances;
- (b) the notification would be reasonably likely to increase the risk to the safety of a person experiencing family violence; or
- (c) it is not practicable to do so.

31. The Agency advised it did not consult with the third parties in this matter.

32. I note the Applicant is specifically seeking the names of Agency officers, but not the personal affairs of other third parties.

Do the documents contain personal affairs information?

33. The documents contain the names, images and rank of Agency officers and this information amounts to personal affairs information.

Would disclosure be unreasonable?

34. In relation to the names of Agency officers, subject to an agency demonstrating that special circumstances apply, I take the view that it is not unreasonable to disclose the names and position titles of agency staff, regardless of their seniority where they are merely carrying out their usual duties or responsibilities as public servants. The nature of such information is to be contrasted with the personal information relating to an individual in their personal or private capacity.
35. I consider this approach accords with the object and purpose of the Victorian Act and the Victorian Parliament's intention that the maximum amount of information held by government be disclosed. This view is consistent with the Victorian Supreme Court of Appeal decision of *Victoria Police v Marke* [2008] VSCA 218 in which it was held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others', the personal privacy exemption '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' (at [76]). Accordingly, it is not appropriate to take a blanket approach in deciding whether disclosure of public servants' personal information is unreasonable on the basis of the seniority of the public servant, but rather the particular context and circumstances of each matter must be considered.
36. I have determined it is not unreasonable to disclose the names of certain Agency officers for the following reasons:
- (a) The Agency officers appear in the documents in relation to the use of their law enforcement powers. I consider there is a public interest in disclosure of their names to provide transparency and accountability for the use of those powers by the Agency.
 - (b) While I note the Agency's submission in relation to the specific circumstances of this matter, in my view the information is less sensitive given it relates to the Agency officer's normal employment duties.
 - (c) The Applicant is specifically seeking the names of the Agency officers. Disclosure of some of their names will therefore partially satisfy their request.
 - (d) I note the Agency officers have not been consulted in relation to the release of their names. There is therefore no information before me to suggest Agency officers object to the release of their names, noting of course, that it may be that some of those officers could object.
37. In relation to those officers that appear in the documents only incidentally, and were not directly involved with the Applicant, I consider it would be unreasonable to disclose their personal affairs information. In my view there is no public interest in their disclosure and therefore their privacy outweighs the factors described above.
38. My decision in relation to each document is set out in the Schedule of Documents at **Annexure A**.

Section 25 - Deletion of exempt or irrelevant information

39. Section 25 requires an agency to grant access to an edited copy of a document when it is practicable for the agency or Minister to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
40. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'² and the effectiveness of the deletions. Where deletions would render the document meaningless they are not 'practicable' and release of the document is not required under section 25.³
41. I have considered the information the Agency deleted from the documents as irrelevant. I agree it falls outside the scope of the Applicant's request because it does not relate to the applicant, rather other matters attended to by Agency officers.
42. 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 and exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

43. On the information available, I am satisfied the exemptions in sections 30(1) and 33(1) apply to parts of the documents. I have decided to grant access to the documents in part.
44. As it is practicable to edit the documents to delete irrelevant and exempt information, I have determined to grant access to the documents in part.

Review rights

45. 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.⁴
46. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.⁵
47. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.⁶
48. 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.
49. 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.⁷

Third party review rights

² *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].

³ *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], [155].

⁴ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

⁵ Section 52(5).

⁶ Section 52(9).

⁷ Sections 50(3F) and (3FA).

50. 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.⁸
51. 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.⁹
52. VCAT also considers the possibility of an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying them.¹⁰
53. On balance, I am satisfied it is practicable to notify those individuals of their review rights and the relevant third parties will be notified as at the date of this decision.

When this decision takes effect

54. My decision does not take effect until the relevant 60-day review period (stated above) expires. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

⁸ Sections 49P(5), 50(3) and 52(3).

⁹ *Re Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

¹⁰ *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]	Incident report	3 (pages 1 to 3 of the pdf)	Released in part Sections 30(1), 33(1)	<p>Release in part</p> <p>Sections 30(1), 33(1), 25</p> <p>The document is to be released with the following exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1) except for the information identified by OVIC in the attached marked up document that is not exempt under section 33(1). the information exempted by the Agency under section 30(1). 	<p>Section 33(1): The document contains the personal affairs information of Agency officers and third parties. I note the Applicant is not seeking the personal affairs of other third parties but is seeking the names of Agency officers.</p> <p>The personal affairs of other third parties is therefore irrelevant to the request.</p> <p>In relation to the names of Agency officers, I have determined that, where the name of an Agency officer refers directly to action taken in relation to the Applicant, that it is not exempt from release for the reasons set out above.</p> <p>The remainder of the names of Agency officers are exempt under section 33(1) for the reasons set out above. I also consider the officer ID numbers to be exempt under section 33(1), also for the reasons set out above.</p> <p>Section 30(1): The document contains a small amount of information that amounts to the advice, opinion and recommendation of an agency officer. I have determined it would be contrary</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>to the public interest to disclose that information given it amounts to a preliminary view, was reported as part of sensitive law enforcement activity, and I consider the public interest weighs against disclosure in the circumstances of this matter.</p> <p>Section 25: I consider the document can be edited to delete exempt information and retain meaning.</p>
2.	[date]	LEAP report	14 (pages 4 to 17 of the pf)	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 exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1), except for the information identified by OVIC in the attached marked up document that is not exempt under section 33(1). 	<p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See Document 1.</p>

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Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
3.	[date]	Electronic patrol duty returns (ePDRs)	36 (pages 18 to 53)	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The document is to be released with the following irrelevant or exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1), as well as the additional information exempt under section 33(1) described in OVIC comments; the third line of text, being the 3rd, 4th and 5th words that is exempt under section 30(1); and the remaining information marked by the Agency as irrelevant. 	<p>Section 33(1): See comments for Document 1.</p> <p>Section 30(1): See comments for Document 1.</p> <p>Section 25: I agree most of the information identified by the Agency is irrelevant as it relates to other matters outside the scope of the request.</p> <p>However, the entry dated 12/12/2018 at 11:08:19, as agreed by the Agency, is in scope of the request. It is therefore to be released to the Applicant with information exempt under section 33(1) deleted, being the names of agency officers and third parties.</p> <p>I also consider, consistent with Document 7, the information determined exempt under section 30(1) in that document that also appears in this document, is also exempt for the same reasons. This is in the third line of text, being the 3rd, 4th and 5th words.</p>
4.	From [date]	Hand-written notes	17	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 33(1), 25</p>	<p>Section 33(1): See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
			(pages 54 to 70)		<p>The document is to be released with the following irrelevant or exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1) except for the information identified by OVIC in the attached marked up document that is not exempt under section 33(1); the information exempted by the Agency under section 30(1); and the information marked as irrelevant by the Agency. 	<p>Section 30(1): See comments for Document 1.</p> <p>Section 25: I agree the information identified by the Agency is irrelevant as it relates to other matters outside the scope of the request. See also comments for Document 1.</p>
5.	[date]	Incident report	3	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 33(1), 25</p> <p>The document is to be released with the following exempt information deleted in accordance with section 25:</p>	<p>Section 33(1): See comments for Document 1.</p> <p>Section 30(1): See comments for Document 1.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the information exempted by the Agency under section 33(1) except for the information identified by OVIC in the attached marked up document that is not exempt under section 33(1); and the information exempted by the Agency under section 30(1). 	
6.	[date]	LEAP report	9 (pages 71 to 79)	Released in part Section 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The document is to be released with the following exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1) except for the information identified by OVIC in the attached marked up document that is not exempt under section 33(1). 	<p>Section 33(1): See comments for Document 1.</p> <p>Section 30(1): See comments for Document 1.</p> <p>Section 25: See Document 1.</p>

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Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> additionally, I have determined a word is exempt under section 30(1) as identified in the attached marked up document. 	
7.	[date]	Handwritten notes	21	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 33(1), 25</p> <p>The document is to be released with the following irrelevant or exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1), as well as the information on right hand corner of page 1 originally marked as irrelevant; the information exempted by the Agency under section 30(1); and all other information marked as irrelevant by the Agency. 	<p>Section 33(1): See comments for Document 1.</p> <p>Section 30(1): See comments for Document 1. I note also that I can read the faded part of text and it is exempt under section 30(1).</p> <p>Section 25: I note the Agency marked as not relevant information at the top right hand corner of page 1 as irrelevant; however, it appears to relate to the entry that was deemed relevant. In any case, I consider, consistent with this decision, that information to be exempt under section 33(1).</p>

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Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
8.	[date]	Electronic Patrol Duty Return (ePDR) form	42	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 33(1), 25</p> <p>The document is to be released with the following irrelevant or exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the information exempted by the Agency under section 33(1); the information exempted by the Agency under section 30(1); and the information marked as irrelevant by the Agency. 	<p>Section 33(1): See comments for Document 1.</p> <p>Section 30(1): See comments for Document 1.</p> <p>Section 25: I am satisfied the information identified by the Agency is not relevant to the request. See also comments for Document 1.</p>
9.	[date]	Letter from VGSO	1	Refused in full Sections 32(1), 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The document is to be released with the following exempt information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> all names, email addresses and phone 	<p>Section 33(1): I am satisfied it contains personal affairs information, being names, email addresses and telephone numbers.</p> <p>I am satisfied, given the sensitive nature of this matter, that this information would be unreasonable to disclose. It is therefore exempt under section 33(1).</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					numbers that appear in the document.	<p>Section 32(1): I am not satisfied the document is exempt under section 32(1) for the reasons set out above.</p> <p>Section 30(1): For completeness I have also considered the application of section 30(1) to the document. In doing so, in line with section 35(1)(a) I considered whether if this document was generated by the Agency, rather than by the VGSO, would it be exempt from release under section 30(1).</p> <p>The document contains the advice, opinion and recommendation of an agency (albeit the VGSO rather than the Agency in this matter).</p> <p>However, I do not consider it would be contrary to the public interest to disclose it because:</p> <ul style="list-style-type: none"> • while marked 'draft', it appears to be a well-developed document; • the matters discussed in the document are general in nature and while the incident to which the document relates is sensitive, the advice contained is not;

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<ul style="list-style-type: none"> given the above, I do not consider disclosure of the document would have any impact on either the Agency or the VGSO.
10.	[date]	Video files <ul style="list-style-type: none"> 71 refused in full 41 released 	NA	Released in part Section 33(1)	Release in part Section 33(1) I have determined: <ul style="list-style-type: none"> the 71 files identified by the Agency are exempt under section 33(1); the 41 files identified by the Agency as not exempt, are to be released to the Applicant. 	<p>Section 33(1): The video files containing images of Agency officers, third parties and the vehicles and property of a third party are exempt under section 33(1) in full. I am satisfied this amounts to personal affairs information.</p> <p>I have determined it would be unreasonable to release this information for the reasons set out above.</p> <p>Section 25: I do not consider it practicable to edit the exempted videos for the reasons described above.</p>
11.	[date]	000 calls <ul style="list-style-type: none"> 2 files 	NA	Released in part Section 33(1)	Release in part Section 33(1), 25 The file '[reference]' is to be released in full.	<p>Section 33(1): In relation to the recording '[reference]', it includes certain personal affairs information about a third party. While known by the Applicant, I must consider that this is an official recording of an emergency call. In these circumstances</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					The file '[reference]' is to be released in part, with the information identified by the Agency deleted in accordance with section 25.	I consider it would be unreasonable to disclose it. Section 25: I consider it is practicable to edit audio file '[reference]' to remove exempt information.